NORTH AMERICAN REVIEW

NO. DCLXXVIII

MAY, 1912

ROBERT BROWNING

(1812-1912)

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THE seeming inevitableness with which contemporary criticism has gone astray in its judgments on poets and their poetry is, from one point of view, one of the humors of English literature. Looking over the calm, imperturbable way in which poetry has gone forward, its splendid passage through the years, unmindful of any, unmindful chiefly of the clamorous critics who have stood at byways like showmen, loudly voicing the claims of their byway to be poesy's highway, and hurrying up the highway in the end with more speed than dignity, is, in the main, more a happy than an unhappy spectacle. It is, at any rate, a salutary spectacle, though from the nature of the case it is difficult to see how it can be other than so to the end of days, seeing it is the special business of the poet to bring something that shall increase the vision of men, to which, therefore, the vision of men shall need time to adjust itself. And it is a spectacle that stretches back farther than we are inclined sometimes to think. For example, we imagine Shakespeare as overtopping handsomely the age which he with his sovereign shares in naming; and we trick his contemporaries out in our thought. It is our thought, however, not theirs. It was not for his greatness Shakespeare was praised by his

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own age, not for the amazing and mingled omniscience and exaltation of him, but for his sugary sweetness, his fertility of invention, if not, indeed, his graciousness of person. A careful reading of the literature of the time makes it tolerably clear that to the men of their day it was Ben Jonson and not Shakespeare that overtopped his time. The echo of this can be heard quite clearly in Milton. So, too, when Blake sang, it was Crabbe and not he whom the critics crowned. Not Wordsworth, but Thomas Campbell and Walter Scott, won their plaudit. With that plaudit in his ear Campbell jested on Shelley, who was rejected as a "pestiferous mixture of blasphemy, sedition, and sensuality" by those who acclaimed Byron. Not only so, not only content to choose with unerring wrongness the indifferent of two names both with a claim to memory, Keats, as Shelley shrewdly pointed out at the time, was rejected when the poetical works of Dean Milman were loudly praised.

After so immediate an unhappy memory ringing in their ears, one would have thought that critics, however much they might have desired to laud Tennyson, would have been tender in disparaging Browning. After having dismissed as blasphemous and sensual a poet whom all now see as burning in the white light of purity—singular purity—and holy desire, one would have imagined that critics would not so quickly have rushed to say that Browning's phrasing was obscure and that he was difficult to read, faced by the fact that his phrasing is seldom, if ever, so obscure as Shakespeare's, whereas, apart from Sordello, he is no whit more difficult to read than is Milton. But the trouble sprang from a deep cause. As in the case of Blake and Wordsworth and Shelley, so again in the case of Browning, critics were not willing to accept, they either superciliously rejected or superficially neglected the poet's point of view, whereas it would seem a commonplace that it is not until a poet's point of view has been accepted that his burning vision can be seen. It is for this reason that a poet seldom sings to his own generation. He must, it appears, always wait till at least another layer beneath shall have formed itself. It is chastening to think that a poet, when he sings, sings to an audience that is framing the alphabet in its mind—is taking the first steps of progress toward his song and his vision.

With Browning, however, the interest is heightened by the peculiar nature of the problem he set. Steadily and

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firmly he has brushed aside one and another till it is not too much to say that he has emerged, or is like to emerge, in the foremost rank of English poets, with such as Shakespeare, Milton, Blake, Wordsworth, and Shelley for companions; yet it must be admitted that, standing there, there is an oddness about his presence in that company. His own age we know regarded him less as a poet than as a consummate diner-out; it even attributed the partial success he won with the critics in *The Ring and the Book* to the operation of that social advantage. In Lockhart's phrase, he did not at all look "like a damned literary man," whereas Tennyson, with whom he naturally stood in contemporary comparison, looked his part even to the matter of raiment. Nor is it only a matter of personal appearance or habit of life. However much these things may have influenced his contemporaries, they can have little hold on those who have not seen him plain and have not stopped and talked to him; and yet the mind is so clothed with cant meanings of what poetry is that it will turn with distaste from the shallowness and smugness of *The Idylls of the King* and yet think of it as undeniably poetry even while it denies that name to *Men and Women,* which it may read and re-read and again re-read with increasing joy. Comparisons are undesirable; nevertheless, as the poets themselves appeared, so their poetry. Tennyson's poetry answers to the immediate and more obvious meanings of the word poetry even when it is least satisfactory, while Browning's poetry seems always to avoid them.

In his essay on Shelley's poetry Browning divided poets into two main divisions: objective and subjective, the fashioner or maker of beings independent of himself and the seer and diviner of new correspondences between the universe and its Deity. It is, as most distinctions are, more an aid to thinking than a glance into the inner shrine of vision, yet it is serviceable as providing a clew to Browning's own procedure. He himself set the seer above the fashioner; yet, in spite of his sympathy with Shelley's poetry and its marked effect on his early work, it was the fashioner's and not the seer's way of work that was his. The seer sings out of his own personality: what he sings is what he himself has seen. Browning seems ever to need some other personality whom he may fashion to sing for him. He seems never to be able to get at grips with Reality

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till he is able to approach it in the guise of another's soul. In *Dramatic Lyrics* he sings:

> "Round the cape of a sudden came the sea,
> And the sun looked over the mountain's rim:
> And straight was the path of gold for him,
> And the need of a world of men for me."

It was in very truth a need. To the seer, to such a seer as Wordsworth, for instance, Nature means much. Nature is the lap where he may stand to look into the burning face of God. Nature is flaming with signs and hints of the correspondence between things that link the universe into an irrefragable unity, so that a metaphor or simile becomes no mere literary exercise, but the startling discovery of some new at-one-ment between things and imagery, such imagery as trails through the "Ode on the Intimations of Immortality," takes rank as authentic vision and not fanciful decoration. To Browning, too, doubtless Nature meant much. There are lines and passages in his poetry that recur to the memory, aspects of her seen and described in such a way as to make it evident that he saw her with far more than merely the painter's eye. Yet she had no direct vision to convey to him. Indeed, he seems almost uncomfortable in her presence, as though irked by the vision he knows here, feels there, but cannot quite see, and anxious to return to his refuge among the world of men to see with their eyes and grope with their hands. Or, as he sang in the roaring "Epilogue" to "Pacchiarotto," in which he smote, so soundly smote, and so lustily smote his inconsistent critics:

> "Man's thoughts and loves and hates!
> Earth is my vineyard, these grew there:
> From grape of the ground, I made and marred
> My vintage; easy the task or hard,
> Who set it—this praise be my reward!
> Earth's yield! Who yearns for the Dark Blue Seas,
> Let them 'lay, pray, bray'—the addle-pates!
> Mine be Man's thoughts, loves, hates!"

"Earth is my vineyard": so he sings. But earth was more than his vineyard; earth was also his refuge. When "the sun looked over the mountain's rim," then and chiefly then, as he looked down the "path of gold," the "need of a world of men" became most urgent. In the "Epilogue" to "Fifine at the Fair" he has a fancy that "he swam out far in the bay" and as he swam there in a manner of flight, heaven above and water beneath,

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"Yes! there came floating by
Me, who lay floating too,
Such a strange butterfly!
Creature as dear as new."

The butterfly's is flight indeed in its natural element; his is only a mimicry of flight in an

"uncouth play
Of limbs that slip the fetter,
Pretend as they were not clay."

He fancies them both tasting of flight thus, flight through the heaven that is poetry, the poetry that is heaven, to the Reality of which one is the vision and the other the splendor. Yet—

"And, meantime, yonder streak
Meets the horizon's verge;
That is the land to seek
If we tire or dread the surge:

"Land the solid and safe—
To welcome again (confess!)
When, high and dry, we chafe
The body, and don the dress.

"Does she look, pity, wonder
At one who mimics flight,
Swims—heaven above, sea under,
Yet always earth in sight?"

But the "world of men" was even yet more than a refuge or a vineyard. "I have, you are to know," he once wrote to a correspondent, "such a love for flowers and leaves that I every now and then in an impatience at being unable to possess them thoroughly, to see them quite, satiate myself with their scent—bite them to bits." It is that very impatience that thwarts him in seeking to pluck the mystery of things for himself. Put a rose into his hand, and what does it mean? It makes him impatient; it, as it has been said, irks him. But put that rose into the hands of one of his world of men: into, say, the hands of John of Halberstadt: what then? Why, then:

"He with a 'look you!' vents a brace of rhymes,
And in there breaks the sudden rose itself,
Over us, under, round us every side,
Nay, in and out the tables and the chairs
And musty volumes, Boehme's book and all,
Buries us with a glory, young once more,
Pouring Heaven into his shut house of life."

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It was as if, looking to see what the rose meant to John of Halberstadt, it came on him with a sudden uprush what the rose meant to him. Not only did the attempt to see Reality through the eyes of another give him an intentness and patience that otherwise he might have lacked, but, striking along the lines of his receptivity, it made the world of men his stepping-stone to Reality.

Thus he was no mere maker of men and women in the purely objective sense. He was not the creator of men in their "thoughts, loves, hates," content if he would present them living as Scott or Crabbe did. His creatures became eyes and ears to him wherewith to see and hear things more sharply and intensely than he himself could. They became as so many cloaks to him, clothed in whom he could enter at once through divers doors of the Temple of Truth. Through them all he could see the Much-more that would have escaped a single vision; and in them each he captured the intentness that annulled the irresolution consequent on confusion. For example: is it the coming of Christianity into the world? How shall a man such as he, a man with a strong bent for strange philosophical research, a man instinct with classic culture, and a man, moreover, whose whole soul rose insurgent for a revelation of Love in a world whose being and whose laws made Love a paradox otherwise inconceivable—how shall such a man state his attitude to that? His acceptance he did assert. But how little that expressed him? What worlds remained untold! What said the philosopher there? How spoke the artist whose business it was to make Beauty and who thereby took into his hands the cup of joy forever, stirring unquenchable thirsts in him? Not in his proper affirmation could he utter all that. But take the three poems that celebrate the dawn of Christianity into the world! Cleon as a Greek may reject the teaching of "a mere barbarian Jew," yet it is clear that the teaching of the mere barbarian Jew brings him just the cool cup that his art has set him athirst for. Karshish, the Arab physician, in "An Epistle," and John, in "A Death in the Desert," on one hand and the other show the impact of this new revelation on minds inclined to curious philosophical learning and full of quick personal aspiration.

Or is it the attitude of the artist to his art? We who have all Browning's work before us know that there was

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in him the possibility of the artist who could turn away resolutely from vulgar success in the secrecy of his own soul to work the thing that pleased him, that there was also the artist who could happily take all good things, or seeming good things, as they came (the artist who wrote "How We Carried the Good News to Ghent"); and also the artist whose labor consistently was to express the thing just beyond his reach and who knew that to fail to reach forward would be to fall into sterility, perfect or imperfect. He was not one of these, but at one time all three. Each expressed no more than a facet of himself; and he could discover each facet in turn by looking at art through such different temperaments as those of "Pictor Ignotus," "Fra Lippo Lippi," and "Andrea del Sarto" in the unique painting trilogy in *Men and Women*. Nor is it that he merely expressed himself in this way. In expressing himself so he discovered himself so.

In this he is, in the terms of his own distinction, not only a fashioner, but a seer also. He is a seer in the creatures he has fashioned. Indeed, he is only interested in his creatures at those angles of their lives that are full of crises —as though it were then, and then only, he could look through them to the realities beyond that he was interested in, they being opaque to him at all other whiles. It was that one vivid situation in Andrea del Sarto's life, that one crucial moment when his life spread itself before him like a drama, that Browning was interested in: and only in Andrea del Sarto for the sake of that moment. In the picture from which Browning drew his conception the situation is so vivid that with the poem before us it is not difficult to see him looking through it to the interest beyond. A variety of things may help create such a situation and such a moment: a chance meeting in "Dîs aliter Visum," an indiscreet discovery in "Fra Lippo Lippi," the fullness of achievement in "Abt Vogler"; but it is the situation that matters, for it is then that his characters become illumined with new meaning. It is only at such moments that the creatures can lend the creator eyes and ears to see and hear withal.

A "fashioner," or objective poet, is usually in the habit of seeking a dramatic guise for his workmanship; and it is not surprising to see that the majority of Browning's early works are all dramatic. Yet a dramatic poet is inter-

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ested in his characters for their own sakes and not merely for what they may mean to him at one moment of their lives. He may be, and according to the greatness of his genius he will be, interested in the Destiny they may suggest; but this will be suggested in the tragic or comic dénouement they between them will achieve. In other words, however deeply he may see into them, he sees them from without: he is not so much concerned with any portion of them that is not employed in the dramatic field, but he is vitally concerned with every whit of them that is so employed. With Browning it is different. He is concerned from within outwards. In his dramas there are some portions of his characters employed in the dramatic field that interest him but little. They are of little consequence to him. On the other hand, there are whole phases of character that have no dramatic employment that concern him greatly, for they are of spiritual importance to himself. In other words, his interest is not with the character in his deed, but with the character before the deed, with the possibility ripe in him for an interesting diversity of deed. It is not the action that fascinates his mind, but the burning seed plot of action, for it is there the dreadful meanings of man's life shift and shape themselves like portents on a stormy sky. As his Luria says to Domizia:

> "To the motive, the endeavor, the heart's self,
> Your quick sense looks: you crown and call aright
> The soul o' the purpose, ere 'tis shaped as act,
> Takes flesh i' the world, and clothes itself a king."

It is with this clue that the Pope in *The Ring and the Book* dissevers the tangled webs of the story before him, seeking to judge justly and fearlessly, saying:

> "For I am ware it is the seed of act,
> God holds appraising in His hollow palm,
> Not act grown great thence on the world below,
> Leafage and branchage vulgar eyes admire."

In his first of dramas, in what indeed is his first notable poem, "Paracelsus," he is so much aware of the bent of his own mind that he declared his intention clearly. In the original preface he wrote:

"Instead of having recourse to an external machinery of incidents to create and evolve the crisis I desire to produce, I have ventured to display somewhat minutely the mood itself in its rise and progress, and

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have suffered the agency by which it is influenced and determined to be generally discernible in its effects alone, and subordinate throughout, if not altogether excluded; and for this reason—I have endeavored to write a poem, not a drama."

And it is clear he has written a poem, not a drama, although he has couched his poem in the dialogue framework inevitably associated with drama. A careful comparison will show that there is not so wide a difference between "Paracelsus" and "Sordello," the poem he next engaged on, although one be called a dramatic poem and the other a narrative poem. The machinery of one is dialogue, even as the machinery of the other is narration, but the chief business of each poem is enacted in the monologues of each character. It is there we see unwind and unfold the raveled possibilities of action, of success or failure, and of all that is fateful in the eternal destinies of men. In these monologues we are taken behind the scenes. We leave the footlights without, where the character rings down the coin that he will elect to barter with, the deed that shall give his soul shape whatever be the consequence, and we see the soul with a variety of coinage, true coin and false counter, before him with a diversity of possible deeds into which he may be content to shape himself, but as yet unsold and unshaped. There is nothing unimportant there: there is no shadow of a possibility there that ranks not equal with all other possibilities. Or as Pippa sang:

> "Say not 'a small event!' Why 'small'?
> Costs it more pain that this, ye call
> A 'great event,' should come to pass
> Than that? Untwine me from the mass
> Of deeds which make up life, one deed
> Power may fall short in or succeed!"

A curiosity of mood such as this is essentially dramatic and yet its very nature is to preclude it from achievement of drama. Being concerned with souls before the decision of action, it is obviously concerned with men and women before the moment when their general destinies cross and sway one another; and it is this moment that makes drama. It might be said that drama is the result of a number of anterior dramatic decisions. The dramatist assumes such decisions as the basis of his workmanship: Browning is concerned with the achievement of such decisions. Had

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Browning had the telling of the tragedy of Othello, we should have had a monologue from Iago giving us the story from his point of view in order that thereby we might be enabled to see the resolution of decision taking shape in his mind; another from Othello and another from Desdemona, who would have both survived long enough to that end; and it would have left to Cassio to give us the tragic loading of the bed. Each decision would have been dramatic, but it is the sum total of the decisions that would have made drama.

It is in this sense that Browning is dramatic, and therefore it is that "Pippa Passes" is so characteristic a piece of work of his. In each of the four chosen situations, situations that Pippa conceives as full of happiness, a fateful decision is pending in the balance. In each case the characters of the situation have their hands irresolutely wandering over a bed of flowers, not knowing which bloom to pluck and wear for shame or glory on his soul. It is this situation that fascinates Browning's interest, because it is this situation that reveals to him with vivid and startling illumination the value of the realities beyond that would else have eluded him; and hence the final influence that sends the hand swiftly down to the blossom of its choice becomes momentous and tragic. It is no matter how slight it may otherwise seem to be, its value becomes of the highest. Pippa's wandering songs on her one annual holiday are no great matter, it would seem; no more than an idle jest turned against a comrade over wine. But one, as the other, may make or mar a soul for all time.

It is so more or less in all his plays. In his historical plays there may of necessity be less of this; in his later plays it may so overburden the dialogue as to threaten its final disruption in the monologues of *Men and Women* and *Dramatis Personæ*. But all the while we feel that he is waiting till his characters achieve that particular angle when they shall scintillate with their hidden and inner illumination. It is this vivid moment he celebrates in his puzzling lyric "My Star":

"All that I know
Of a certain star
Is, it can throw
(Like the angled spar)
Now a dart of red,

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Now a dart of blue;
Till my friends have said
They would fain see, too,
My star that dartles the red and the blue!
Then it stops like a bird; like a flower hangs furled:
They must solace themselves with the Saturn above it.
What matter to me if their star is a world?
Mine has opened its soul to me; therefore I love it."

In one instance, indeed, destructive of all dramatic intention, this "dartling" even continues beyond the limits of the play. In his last play, "In a Balcony," perhaps notably his last play, at its moment of conclusion the Queen does not seem even yet to have taken her final decision. It is in her that the play pivots; and when her tragic moment comes she sees life snatched from her very hand and "goes out." What her decision with regard to the lovers is we are not told. Constance hears the "measured heavy tread" of the guard, and the hint is that they are coming to take the lovers to their doom. But we know that much later in life Browning himself earnestly discussed the possibility that the guard is not heard coming to take away the lovers, but to bear away the dead body of the Queen, she slain by her own hand. The Queen's resolve is never taken. The cloudy portents are still to be seen shifting and shaping on the sky.

Thus it is not surprising to see, in course of time, the unnecessary and cumbersome business of dialogue or narration drop away to leave the self-revealing monologue standing in its naked strength. In the third volume of "Bells and Pomegranates," entitled *Dramatic Lyrics,* Browning had already been looking at life through the vision of men and women, creatures of his. Only there, though the lyrics were dramatic in the sense that they expressed the mood and emotions of creatures of Browning, and not of Browning, they were not dramatic in the sense that some vital shaping of character was implicit in them. In a sense, all lyrics are dramatic; and the critic who affixes to the lyric the sense of subjective emotion is only arbitrarily insisting on calling a passing moment eternity. Every true work of art was lived, and lived intensely, as it was wrought. Thereafter it took a detached and separate existence. Shakespeare lived Othello when he made him, even as Wordsworth lived "Tintern Abbey" when he made it. Then they were

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subjective; once finished, they became objective, for the soul of man lives on and passes on and changes. It is only a question of phraseology. There is no lyric surely that expresses all of a man or even all of him at that one moment of utterance. A lyric can only express a phase of him; and if he choose to place that phase in circumstances other than his own in order to see it the better, it does not at all mean that that phase is not his own.

Yet it was necessary, if dialogue and narrative were to drop away, that the explanations they offered as to the situation implicit in the dramatic resolve or aspiration should be contained in the monologue; and the suspense of lyric emotion, however long the poem might be in which it is caught and crystallized, is too acute to permit of such an explanation. When "Kentish Sir Byng stood for his King, bidding the crop-headed Parliament swing," it was but a great, gay, rollicking hatred of crop-heads and a breezy love of bright attire and wine-cups, as all good Parliamentarians must feel sometimes at the heart of them or remain but lean-souled men for the lack of it. There was no better ship-money man than Browning, and yet he lived every moment of that lyric. But though it was no more than that, it lent itself very easily to development. It needed but little development to express by implication all the various sides of a dramatic situation if its author were only happy in his choice of the one promontory peak from which the whole country could be viewed with one slow turn of the eye. And it was not likely that the man who sang

> "Ah, but a man's reach should exceed his grasp.
> Or what's a heaven for?"—

the man who sang boldly

> "Stake your counter as boldly every whit,
> Venture as warily, use the same skill,
> Do your best, whether winning or losing it,
>
> "If you chose to play!—is my principle.
> Let a man contend to the uttermost
> For his life's set prize, be it what it will!
>
> . . . . . .
> . . . . . .
>
> "And the sin I impute to each frustrate ghost

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Is—the unlit lamp and the ungirt loin,
Though the end in sight were a vice, I say"—

the man who held that the only soul to be held in contempt was he who did not strive loftily and ambitiously, with failure and success as irrelevancies apart—such a man was little likely to choose a wrong promontory peak. For his attention was on that which is the secret of all earth's interest.

So there came about that great sequence of monologues in *Men and Women* and *Dramatis Personæ*. It seems inconceivable that the two volumes in which *Men and Women* made their appearance should have met with so slight an attention. One would have conceived that critics, seeing a writer with such a diversity of riches in his fee, would, if only from curiosity, have endeavored to assume Browning's point of view in order to discover what his vision was. Instead of which they vamped inconsequentialities as to the difficulties of understanding him, whereas the only difficulty was that of discovering and assuming his point of view, of searching to see exactly what the monologue meant to him, and why he expressed himself through the lips of fifty others in this way. To deny that Browning has his vices of style would be foolish. Relative pronouns are readily dropped, small words are clipped and chipped mercilessly at times, words are taken across his knee and their quantity broken in order to fit them into some position in a line that they have rebelled at, strange words are used not because of their beauty, but because of his erudition. But these make him aggravating to read, not difficult to understand. Once the point of view of a poem is seen, its difficulties are gone. Even the aggravations often take a new meaning, for it would be clearly foolish to expect the same stately beauty of line from Fra Lippo Lippi as we are to receive from Cleon.

Whether such a development was or was not conscious and deliberate matters little, the result was amazing enough for all the critic's neglect. Probably with a man of Browning's faculty of mind, probing, searching, introspective, it was conscious. If it were so it would explain the shout of joy with which he came upon *The Old Yellow Book* and the story that lay hidden in it in a perplexed series of legal pleadings and cross-pleading:

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> "Small-quarto size, part print, part manuscript:
> A book in shape but, really, pure crude fact
> Secreted from man's life when hearts beat hard,
> And brains, high-blooded, ticked two centuries since."

It also explains the story of his at once, on reading the "square old yellow book," taking twelve pebbles from the road and arranging them at equal distances on the parapet bordering it in representation of the twelve books of the poem; and the fact that he penned in the book in Greek the line, "But for me the muse in her strength prepares her mightiest arrow." His art was awaiting such a consummation. His use of the monologue, as it had developed in his hand, only needed some such occasion. His previous book had been called *Dramatis Personæ;* but then the *dramatis personæ* were each of them concerned with his or her own separate drama. Their several monologues did not center round a common story. But the conception of nine *dramatis personæ* (or, rather, six *dramatis personæ* and three onlookers), each of them in a lengthy monologue telling a single story from his or her own promontory peak, each seeing the circumambient countryside differently, each occupied with the history of a soul through the various crises that take the seed of act and develop it into leafage and branchage, giving it shape thereby for all time—such was a conception that might well thrill any artist; but coming, as it did, at a particular moment in the development of Browning's art, how much more it meant to him cannot easily be said.

And how wonderful the result is! Its gifts are so various that it is difficult not to be tempted into language that loses sight of its origin and cause. Apart altogether from portraiture, for example, let one read in due order the tale told by the three chief participants—Count Guido Franceschini, Giuseppe Caponsacchi, and Pompilia. Each tale passes over the same incidents of the story; and each carries sympathy and conviction, a sympathy and conviction so complete that it is not easy to remember that there is another tale to be told. In itself this is no inconsiderable feat. It is itself sufficient to show that the monologue was to Browning, in itself and in its implications, the discovery that should vindicate his art. But there is the portraiture also; and here, it is necessary to say, Browning has not alone added to, but enriched the creations of the world's literature. The

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portraits of *Men and Women* and *Dramatis Personæ* were but sketches beside the human knowledge that went to the creation of such men as Count Guido and Giuseppe Caponsacchi. They touch all sides of human life. They nod at all points of the compass. The husband, pleading for his life on the indictment of murdering his wife, who, when charged with cruelty toward her, does not deny it, but boldly embarks on the attempt to subdue the charge by frank casuistry, and succeeds; and it is not merely arguing, but expressing himself, is not a less masterly achievement than the "young frank personable priest" who, while serving his church daintily in ladies' service, "a fribble and a coxcomb," yet preserves a pure manliness that at a glance from a lovely souled woman in distress can stand erect in its challenging strength, never doubting the loveliness of her soul in spite of seeming letters to the contrary, finally throwing aside all chance of worldly success for the privilege of merely serving and saving her, in it all to declare, proudly, that purely he loves her.

These two portraits in themselves were a distinction to any artist. But what of Pompilia? There is no doubt that she meant more to Browning than we imagine. There is an aloofness about her loveliness, a simple frankness withal, that suggests it. It would have been enough in most women to have been, on the one hand, the touchstone to Caponsacchi's true greatness, and, on the other, to have awakened from the old Pope so very beautiful and humble a tribute. But her loveliness and purity are not only a rumor. That were an easy thing, perhaps, for a poet to have achieved. But she has to maintain them and make them real in a monologue of nearly two thousand lines; and she succeeds. Join to these Dominus Hyacinthus de Archangelus, counsel for Guido:

> "The jolly learned man of middle age,
> Cheek and jowl all in laps with fat and law,
> . . . . . .
> Ovidian quip and Ciceronian crank,
> A bubble in the larynx while he laughs,
> As he had fritters deep down frying there,"

Juris Dr. Johannes-Baptista Bottinus the Fisc, who, in his zeal for having something to prove, assumes Pompilia's guilt in order to minimize the importance of it, and the old

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Pope, seeking to judge justly in the light of heaven that is almost falling at his feet, and a gallery of portraits faces us that it is not easy to do justice to, save than to say that the poem they help to make is one of the very great things of our literature.

In his later work, Browning went on to put the monologue to newer uses yet. Instead of merely declaring and defining the implicit drama, instead only of depicting the raveled possibilities of action to which the crucial moment of decision came, the character chosen undertook, moreover, to defend in a wonder of casuistry, that puzzles the wit the action it had decided upon. More than a hint of this was heard in " Bishop Blougram's Apology " and " Sludge the Medium," but it was left to " Prince Hohenstiel-Schwangau, Saviour of Society " and " Fifine at the Fair " to carry out the process in fullness of detail. Here, too, not less than in the simple use of the monologue, it is not difficult to see Browning using his characters as agents in order to see things that he might have a difficulty in focusing in his own person. In the two later poems quoted their very difficulty is just this. Time and time again the casuistry breaks and Browning through the eyes of his character is seen looking on reality beyond. Then the clouds roll on again; and it is not easy to say how far or how thoroughly we may trust the vision he seems to have seen.

It is singular and yet but fitting that when he had to see his vision with his own eyes and declare what he found to say in his own proper person he lost rather than gained in distinctness. Toward the end of his days a great private loss helped him to make one of his loveliest, if not the loveliest, of the later poems in *La Saisaiz*. In his earlier days in *Christmas Eve and Easter Day* he made a poem where he told his own story, a poem that his own generation understood where it found in the rest of his work only mystification. The shock of grief and the seeking for wisdom in grief give a quiet sunset beauty to *La Saisaiz* that is searching, whereas the earlier poem jolts and jars against this and that would-be exponent of Christianity; but in neither one nor the other do we seem to hear the authentic tones of Browning as we hear them when he gazes through this artist when he struggles to express beauty, or that musician whose music kindles in him a passion for the moment when his broken aspiring harmonies shall be completed, uplifted, and

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made eternal. In his last supreme words he declared himself as

"One who never turned his back but marched breast forward,
Never doubted clouds would break,
Never dreamed, though right were worsted, wrong would triumph,
Held we fell to rise, are baffled to fight better,
Sleep to wake."

It is this man we may hear best in the creatures of his making, the world of men who helped him to his vision, who expressed him as he expressed them; and if to help us to stand equipped in manliness and womanliness, loving Beauty and serving Truth, ripe in understanding, be any measure of greatness, then even apart from all personal achievement we must echo Landor and say, "Browning, a great poet, a very great poet indeed."

DARRELL FIGGIS.

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PORTRAIT OF A LADY

BY GAMALIEL BRADFORD, JR.

THE brilliant salons which have made so conspicuous a figure in French social life have had few counterparts in England. Englishwomen have, perhaps, influenced politics and public affairs quite as powerfully as have their French sisters. But in England the work has been done through husbands or fathers or brothers domestically, not in an open social circle where wit glitters and ideas clash.

One of the most notable exceptions to this rule was the Holland House society during the first half of the nineteenth century. Politically Holland House was a Whig center, but its hospitable doors were open to all who talked or thought. Fox, Canning, Brougham, Grey, Melbourne, John Russell unbent there and discussed great themes and little. Rogers mocked, Sydney Smith laughed, Moore sang, Macaulay unwound his memory, and Greville listened and recorded. Wordsworth dropped a thought there, Talleyrand a witticism. Irving brought over the America of the eighteenth century, Ticknor of the nineteenth.

Greville says:

"It is the house of all Europe. All like it more or less, and whenever . . it shall come to an end, a vacuum will be made in society which nothing can supply. The world will suffer by the loss; and it may be said with truth that it will 'eclipse the gaiety of nations.'"

Macaulay adorned the theme with his ample eloquence: Former guests

"will recollect how many men who have guided the politics of Europe, who have moved great assemblies by reason and eloquence, who have put life into bronze or canvas, or who have left to posterity things so written that it shall not willingly let them die, were there mixed with all that was loveliest and gayest in the society of the most splendid of capitals. They will remember the peculiar character which belonged to that circle, in which every talent and accomplishment, every art and

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science, had its place. . . . They will remember, above all, the grace, and the kindness, far more admirable than grace, with which the princely hospitality of the ancient mansion was dispensed. They will remember the venerable and benignant countenance and the cordial voice of him who bade them welcome. . . . They will remember, too, that he whose name they hold in reverence was not less distinguished by the inflexible uprightness of his political conduct than by his loving disposition and his winning manners. They will remember that, in the last lines which he traced, he expressed his joy that he had done nothing unworthy of the friend of Fox and Grey; and they will have reason to feel similar joy if, in looking back on many troubled years, they cannot accuse themselves of having done anything unworthy of men who were distinguished by the friendship of Lord Holland."

You will observe that little is said here of the mistress of the house. As regards Lord Holland, it is instructive to turn from Macaulay's swelling periods to the cool comment of Greville, who was neither a rhetorician nor a cynic: "I doubt from all I see whether anybody (except his own family, including Allen) had really a very warm affection for Lord Holland, and the reason probably is that he had none for anybody."

There was a mistress of the house, and Macaulay elsewhere has enough to say about her. It is quite astonishing, the unanimity with which her guests combine to slight her character and emphasize her defects. Macaulay asserts, in the passage quoted above, that "all that was loveliest and gayest" met at Holland House. This is quite false, for few women went there. Those who did had little good to say of their hostess. In the early years, before she married Lord Holland, Miss Holroyd wrote of her:

"If anybody ever offends you so grievously that you do not recollect any punishment bad enough for them, only wish them on a party of pleasure with Lady Webster! . . . Everything that was proposed she decidedly determined on a contrary scheme, and as regularly altered her mind in a few hours."

Long after, Fanny Kemble expresses herself quite as bitterly:

"The impression she made upon me was so disagreeable that for a time it involved every member of that dinner-party in a halo of undistinguishable dislike in my mind."

When the women condemn, one expects the men to praise. In this case they do not. One and all, in milder or harsher terms, they record her acts that crushed, her speeches that stung. The gentle Moore takes Irving to visit her. "Lady

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H—— said, ' What an uncouth hour to come at,' which alarmed me a little, but she was very civil to him.'' Rogers told Dyce that " when she wanted to get rid of a fop she would beg his pardon and ask him to sit a little further off, adding, ' There is something on your handkerchief I do not quite like.' '' She observed to Rogers himself: " Your poetry is bad enough, so pray be sparing of your prose.'' And to Lord Porchester: " I am sorry to hear you are going to publish a poem. Can't you suppress it?''

Also they paid her back in kind, with a vim which in gentlemen, as they all were, seems to imply immense provocation. " My lady . . . asked me how I could write those vulgar verses the other day about Hunt,'' writes Moore. " Asked her, in turn, why she should take it for granted, if they were so vulgar, that it was I who wrote them.'' Croker records: " Lady Holland was saying yesterday to her assembled coterie: ' Why should not Lord Holland be Secretary for Foreign Affairs—why not as well as Lord Lansdowne for the Home Department?' Little Lord John Russell is said to have replied, in his quiet way: ' Why, they say, ma'am, that you open all Lord Holland's letters, and the Foreign Ministers might not like *that*.' '' Rogers was talking of beautiful hair. " Why, Rogers, only a few years ago I had such a head of hair that I could hide myself in it and I've lost it all.'' Rogers merely answered, " ' What a pity! But with such a look and tone an exultant giggle ran round the table at her expense.'' And the table was her own! To Ticknor she said " that she believed New England was originally colonized by convicts sent over from the mother-country.'' Mr. Ticknor replied that he was not aware of it, but said he knew that some of the Vassal family —ancestors of Lady Holland—had settled early in Massachusetts. Finally there is the almost incredible incident so vividly narrated by Macaulay:

" Lady Holland is in a most extraordinary state. She came to Rogers's, with Allen, in so bad a humor that we were all forced to rally and make common cause against her. There was not a person at table to whom she was not rude; and none of us were inclined to submit. Rogers sneered; Sydney made merciless sport of her; Tom Moore looked excessively impertinent; Bobus put her down with simple, straightforward rudeness; and I treated her with what I meant to be the coldest civility. Allen flew into a rage with us all, and especially with Sydney, whose guffaws, as the Scotch say, were indeed tremendous."

One and all, they felt that the lady wished to domineer,

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to rule over everything and everybody, and they did not like it. "Now, Macaulay," she would say, "we have had enough of this. Give us something else." At a crowded table, when a late guest came: "Luttrell, make room." "It must be made," murmured Luttrell, "for it does not exist." "The centurion did not keep his soldiers in better order than she kept her guests," Macaulay writes. "It is to one, 'Go' and he goeth; and to another, 'Do this' and it is done." Some one asked Lord Dudley why he did not go to Holland House. He said that he did not choose to be tyrannized over while he was eating his dinner.

Her friends thought she wished to regulate their lives, especially to regulate them in the way that suited her comfort and convenience. What could be more remarkable than the scene Macaulay describes, when she implored, ordered him to refuse his high appointment in India?

"I had a most extraordinary scene with Lady Holland. If she had been as young and handsome as she was thirty years ago, she would have turned my head. She was quite hysterical about my going; paid me such compliments as I cannot repeat; cried; raved; called me 'dear, dear Macaulay.' 'You are sacrificed to your family. I see it all. You are too good to them. They are always making a tool of you; last session about the slaves; and now sending you to India.' I always do my best to keep my temper with Lady Holland for three reasons: because she is a woman; because she is very unhappy in her health, and in the circumstances of her position; and because she has a real kindness for me. But at last she said something about you. This was too much, and I was beginning to answer her in a voice trembling with anger, when she broke out again: 'I beg your pardon. Pray, forgive me, dear Macaulay. I was very impertinent. I know you will forgive me. Nobody has such a temper as you. I said so to Allen only this morning. I am sure you will bear with my weakness. I shall never see you again'; and she cried, and I cooled; for it would have been to very little purpose to be angry with her. I hear that it is not to me alone that she runs on in this way. She storms at the ministers for letting me go."

And she was supposed to tyrannize over her household as well as over her guests. The Allen referred to in the above passage is a curious figure. Originally recommended to Lord Holland as a traveling physician, he entered the family and remained in it. He was an immense reader, a careful student, and supplied many a Holland House politician with the stuff of oratory. He had opinions of his own, was a violent enemy of all religion, and was gibingly known as "Lady Holland's atheist." He did not hesitate to con-

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tradict his patroness and some even assert that she was a little afraid of him. At any rate, he was deeply attached to her, remained with her after Lord Holland's death, and suffered himself in practical matters to be ordered about like a domestic poodle. Moore records an interesting bit of mutual self-confession, when Allen, after years of intimate contact with the deepest thought and brightest wit in Europe, admitted that to keep up conversation during these evenings was "frequently a most heavy task, and that if he had followed his own taste and wishes he would long since have given up that mode of life." And Moore himself adds "that the Holland House sort of existence, though by far the best specimen of its kind going, would appear to me for any continuance the most wearisome of all forms of slavery."

Even Lord Holland himself seemed to his observant visitors to be subject to a domination at times somewhat irksome. "A little after twelve my lady retired and intimated that he ought to do so too," writes Moore, "but he begged hard for a few minutes more." Greville says that when some revivalists called on Lord Holland, Lady Holland was with great difficulty persuaded to allow him to go and receive them. "At last she let him be wheeled in, but ordered Edgar and Harold, the two pages, to post themselves outside the door and rush in if they heard Lord Holland scream." On the great occasion of Macaulay's going to India, it is recorded that the good-natured husband was goaded into a disciplinary outburst:

"Don't talk such nonsense, my lady. What the devil! Can we tell a gentleman who has a claim upon us that he must lose his only chance for getting an independence in order that he may come and talk to you in an evening?"

I repeat, it is a most curious thing to observe this mob of illustrious and kindly gentlemen handing down to posterity such unanimous abuse of a lady, who, whatever her defects, had done them infinite courtesies. And she is dead and cannot defend herself!

She left a Journal, however, which Lord Ilchester has lately edited. And few things can be more delightful than to turn from the picture painted of her by her friends (?) to her intimate and faithful likeness of herself. The tart, even the boisterous tongue is indeed not concealed, as when she told a political friend that "I regretted he had not

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lived in the Middle Ages and given his faith to orthodox points, as he would have made one of the firmest pillars of the church instead of being a milk-and-water politician now." But there are many other things besides tartness and boisterousness.

Unfortunately the Journal stops before the great days of Holland House began. What would we not give for the lady's account of those conversations with Moore and Ticknor and Macaulay? What for portraits of them and of others such as she well knew how to draw? For her pen was no mean one. It could bite and sting, could emphasize lights and shadows quite as strongly as some of those that etched the figures at her table and the scenes in her drawing-room.

You may meet such a type as the following any day in Italy, but only an artist could so render it.

"The old Marchesa was also delightful, not to the eye, for she was hideous, nor to the ear, for she squalled, nor to the nose, for she was an Italian; yet, from her unbounded desire of pleasing, the *tout ensemble* created more agreeable sensations than many more accomplished could have inspired."

Or match this with an English married couple:

"The first thing she did was to live apart from him, and keep up a love-correspondence with him; hence to the world they appeared enamoured of one another. She is a little mad, and parsimony is her chief turn. She is good-natured and a little clever. Trevor has no judgment and slender talents. His foibles are very harmless, and his whole life has been insipidly good. His *ridicules* are a love of dress-coats, *volantes,* and always speaking French. *Au reste,* he is very like other people, only better."

And, as will appear from these two, her portraits, though satirical, are not all unkindly, or at least she sweetens the bitterest of them with a touch of human charity.

Just a few sketches she has of the great men who afterward became so widely identified with her, enough to increase our ardent desire for more. Thus the following of Wordsworth, interesting in every word for the artist and also for the poet, if somewhat astounding:

"Sent an invitation to Wordsworth, one of the Lake poets, to come and dine, or visit us in the evening. He came. He is much superior to his writings, and his conversation is even beyond his abilities. I should almost fear he is disposed to apply his talents more toward making himself a vigorous conversationalist, in the style of our friend Sharp, than to improve his style of composition. . . . He holds some opinions

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on picturesque subjects with which I completely differ, especially as to the effect produced by white houses on the sides of the hills; to my taste they produce a cheerful effect. He, on the contrary, would brown or even black-work them; he maintained his opinion with a considerable degree of ingenuity."

With which compare the snub administered by Henry Taylor when she sneered at Wordsworth's poetry:

"Let me beg you to believe, Lady Holland, that this has not been the sort of thing to say about Wordsworth's poetry for the last ten years."

But the Journal is far less interesting for its portraits of others than for that of the lady herself, who is seen there complete and human and not unlovely.

When she was young she was beautiful. "I observed a portrait of Lady Holland, painted some thirty years ago," says Macaulay. "I could have cried to see the change. She must have been a most beautiful woman."

A mere child, she was married to a man she detested, who, perhaps, deserved it. "At fifteen, through caprice and folly, I was thrown into the power of one who was a pompous coxcomb, with youth, beauty, and a good disposition, all to be so squandered!" I imagine that Sir Godfrey Webster was a rough English squire of the Western type, fond of beef, beer, hunting, and rural politics, fond also of his wife after his fashion, but believing that wives should bake, brew, and breed, and utterly intolerant of my lady's whims and fancies, of her social ambitions and her sentimental vagaries. To her he appeared a simple brute. When he "in a paroxysm threw the book I was reading at my head, after having first torn it out of my hands," I can divine something of how he felt. So, perhaps, could she; but the incident gave her all the gratification of martyrdom.

"Ah, me!" she writes, "what can please or cheer one who has no hope of happiness in life. Solitude and amusement from external objects is all I hope for; home is an abyss of misery!" Condemned to the exile of a country house, I am sorry to say that she revenged herself by devising cruel tricks against her husband's aunt, who, however, was most apt at paying back. Later her despair drove her nearly to suicide.

"Oftentimes in the gloom of midnight I feel a desire to curtail my grief, and but for an unaccountable shudder that creeps over me, ere this the deed of rashness would be executed. I shall leave nothing behind that I can regret. My children are yet too young to attach me to

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existence, and Heaven knows I have no close, no tender ties besides. Oh, pardon the audacity of the thought."

Then Lord Holland appeared and her whole life was altered. With such an early career and with a temper so erratic one would hardly expect that an irregular connection, even though legalized as soon as possible by divorce and marriage, would turn out well. It did. When she first meets her lover he is "quite delightful." A number of years later she recognizes that life with him has transformed her character. Every hour she continues

"to wonder and admire the most wonderful union of benevolence, sense, and integrity in the character of the excellent being whose faith is pledged with mine. Either he has imparted some of his goodness to me, or the example of his excellence has drawn out the latent good I had—as certainly I am a better person and a more useful member of society than I was in my years of misery."

Although she was still young and very beautiful, the ardent suit of other lovers makes no impression on her. She gets rid of them as best she can and consults her husband as to the most effectual manner of doing it.

Formerly life was hateful and she longed to be rid of it.

"In the bitterness of sorrow I prayed for death. . . . Now I am a coward indeed; a spasm terrifies me, and every memento of the fragile tenor of my bliss strikes a panic through my frame. Oh, my beloved friend, how hast thou by becoming mine endeared the every-day occurrences of life! I shrink from nothing but the dread of leaving or of losing thee."

In the lot of an acquaintance who has lost her husband she bewails the most terrible of future possibilities for herself.

"How fortunate for her should she never awaken to her wretchedness, but die in the agonies of delirium! Oh, in mercy let such be my close if I am doomed to the—oh, I cannot with coolness suppose the case!"

It is in no cynical spirit, nor with any question of the genuineness of these feelings, but simply as a comment on the ways of this world, that I turn to a passage of Greville written three months after Lord Holland's death:

"I dined with Lady Holland yesterday. Everything there is exactly the same as it used to be, excepting only the person of Lord Holland, who seems to be pretty well forgotten. The same talk went merrily round, the laugh rang loudly and frequently, and but for the black and the mob-cap of the lady one might have fancied he had never lived or had died half a century ago."

There has been some question as to whether Lady Holland cared very much for her children by either marriage. Cer-

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tainly at her death she left her son only two thousand pounds and a large income to a comparative stranger. Yet at the time of her separation from her first husband she sought passionately to retain her daughter, even resorting to the strange and characteristic device of pretending that the child was dead and burying a kid in a coffin in her place.

The Journal, too, is full of passages that come straight from the heart and absolutely prove a sincere, if somewhat erratic, maternal affection. I hardly know a stranger mixture of passionate grief and curious self-analysis than the following passage, written on occasion of a child's death:

"There is a sensation in a mother's breast at the loss of an infant that partakes of the feeling of instinct. It is a species of savage despair. Alas! to lose my pretty infant, just beginning to prattle his little innocent wishes, and imagination so busily aids my grief by tracing what he might have been. In those dreary nights whilst I sat watching his disturbed sleep I knelt down and poured out to God a fervent prayer for his recovery, and swore that if he were spared me the remainder of my life should be devoted to the exercise of religious duties; that I should believe in the mercy of a God who could listen to and alleviate my woe. Had he lived I should have been a pious enthusiast. I have no superstition in my nature, but from what I then felt it is obvious how the mind may be worked upon when weakened and perplexed by contending passions of fear, hope, and terror."

It is admitted that Lady Holland was an able housekeeper, and Mr. Ellis Roberts even thinks that the success of her salon was largely owing to the excellence of her table. "It is true the parties were overcrowded, but . . . men do not much care how they eat if what they eat is to their liking." It is admitted also that she was most generous, kind, and thoughtful for her servants. Yet the inveterate prejudice against her manifests itself even here. Greville says:

"In this probably selfish considerations principally moved her; it was essential to her comfort to be diligently and zealously served, and she secured by her conduct to them their devoted attachment. It used often to be said in joke that they were very much better off than her guests."

Nevertheless, perhaps there are worst tests of character than the devoted attachment of servants.

On Lady Holland's intellectual and spiritual life much curious light is thrown by her Journal when taken in connection with the comments of her friends. Her wayward childhood, her early marriage, her utter lack of systematic education must not be forgotten.

"I should be *bien autre chose* if I had been regularly taught. I never

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had any method in my pursuits, and I was always too greedy to follow a thing with any *suite*. Till lately [age twenty-six] I did not know the common principles of grammar, and still a boy of ten years old would outdo me."

Yet she was a wide, curious, and intelligent reader and remembered what she read, as when she located one of Moore's innumerable stories in an old volume of Fabliaux.

She had her strong opinions on most general subjects. In art she was distinctly of the eighteenth century, as in her view of Wordsworth's poetry and her admiration for Guido and the Bolognese painters: "'St. Peter Weeping,' by Guido, reckoned the first of his works and the most faultless picture in Italy."

Nature sometimes moved her deeply, however, as became a contemporary of Byron and Chateaubriand:

"The weather was delicious, truly Italian, the night serene, with just enough air to waft the fragrance of the orange-flower, then in blossom. Through the leaves of the trees we caught glimpses of the trembling moonbeams on the glassy surface of the bay; all objects conspired to soothe my mind, and the sensations I felt were those of ecstatic rapture. I was so happy that when I reached my bedroom I dismissed my maid, and sat up the whole night looking from my window upon the sea."

In religion she was more than liberal; in fact, had no positive beliefs. "O God, chance, nature, or whatever thou art!" is the best she can do in the way of a prayer, though she never encouraged skeptical talk at her table and sometimes snubbed Allen sharply for it. With irreligion, in spite of her disclaimer above quoted, went a strong touch of superstition, as so often.

"She would not set out on a journey upon a Friday for any consideration; dreadfully afraid of thunder, etc. Was frightened out of her wits by hearing a dog howl. She was sure that this portended her death or my lord's."

According to her critical guests, she was pitifully afraid of death always. Macaulay writes:

"She was in a terrible taking about the cholera; talked of nothing else; refused to eat any ice, because somebody said that ice was bad for the cholera. Lady Holland apparently considers the case so serious that she has taken her conscience out of Allen's keeping and put it into the hands of Charles Grant."

At any rate, she was morbidly, almost ludicrously anxious about her health; and she herself records that in Spain she selfishly refused to let Allen leave her when very ill to attend another invalid friend who greatly needed him. Yet, in

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view of many other passages in her Journal, I cannot think that she really lacked courage in the face of death, or of anything else. With her it is never possible to tell what is serious and what is whim. Certain it is that her parting scene was dignified if not even noble. "She evinced during her illness a very philosophical calmness and resolution and perfect good-humor, aware that she was dying and not afraid of death."

In her main interests, she was pre-eminently a social being. Greville says that she dreaded solitude above everything, that she "could not live alone for a single minute; she never was alone, and even in her moments of greatest grief it was not in solitude, but in society, that she sought her consolation." Her Journal is, I think, sufficient to prove that this is exaggerated. She read and loved to read, and no true lover of books hates solitude. Still, she was social, loved men and women and their talk and laughter, loved the sparkle of wit, the snap of repartee, the long interchange of solid argument. Nor was she too particular in the choice of her associates. "There was no person of any position in the world, no matter how frivolous and foolish, whose acquaintance she was not eager to cultivate," says Greville again. Here, too, her Journal supplies a needed corrective, or at least sets things in a fairer and more agreeable light. "A long acquaintance is with me a passport to affection. This does not operate to exclusion of new acquaintances, as I seek them with avidity." The "passport to affection" is generally recognized. She was loyal in her affections and in her admirations, though sometimes carrying them, like everything else, to the point of oddity, as in her strange worship of Napoleon.

That a person so fond of society should have shown so little tact in it is one of the curious features of her case. But some things throw an interesting light on her brusqueness, her downright rudeness. Here is one brief passage about a woman she met and liked:

> "If I were to see much of her she might perhaps be benefited, for as nobody can do more mischief to a woman than a woman, so perhaps might one reverse the maxim and say nobody can do more good. A little mild reproof and disapprobation of some of her doctrines might possibly rescue her from the gulf."

Does not that explain a host of oddities, and pleasantly?

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Who of us likes to be rescued from the gulf by a little mild reproof?

And the woman was nervous, sensitive, imaginative. Society irritates such people even when it fascinates them. Of one guest she writes: "His loud voice and disgusting vanity displeased me so much that I fled for refuge speedily into my own room." And another bit of most delicate analysis shows how easily the social disillusionment of a sensitive organization might manifest itself in tactless ill-humor.

> "There is some perverse quality in the mind that seems to take an active pleasure in destroying the amusement it promises to itself. It never fails to baffle my expectation; so sure as I propose to my imagination an agreeable conversation with a person where past experience warrants the hope, so sure am I disappointed. I feel it perpetually, for example, with Dumont; with him I have passed very many cheerful hours. This knowledge tempts me to renew our walks; the consequence is we both yawn."

So clear, so sure is it, that in all human relations the true road to happiness and enjoyment is not to seek them directly for oneself.

The sense of power, of guiding and controlling others, was doubtless a large element of Lady Holland's social instinct. "Her love and habit of domination were both unbounded," writes Greville. To achieve this, to govern the sort of men that gathered about her, she knew that she must study their interests. Hence she devoted herself to the details of politics almost as sedulously as Greville himself. The minuteness of her Spanish journals, personally of little interest, in this respect, is really remarkable. Yet I know of few things more delightfully feminine than her brief comment on English ministerial changes. Her friends go out of power and she observes, "The loss of all interest in public affairs was the natural effect of the change of administration to me."

It is, I hope, by this time evident that, whatever her virtues or defects, Lady Holland was an extraordinarily interesting character. I have quoted from her guests and friends much that was bitter. But a careful search brings out also testimony all the more favorable when we consider the extent of the abuse. Thus Greville admits that, "though often capricious and impertinent, she was never out of temper and bore with good-humor and calmness the in-

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dignant and resentful outbreaks which she sometimes provoked in others." And while asserting that "she was always intensely selfish," he adds in the next sentence that "to those who were ill and suffering, to whom she could show any personal kindness and attention among her intimate friends, she never failed to do so." Sydney Smith writes to her with a tenderness, an obviously genuine affection, which would prove fine qualities in any woman:

"I am not always confident of your friendship for me at particular times; but I have great confidence in it from one end of the year to the other; above all, I am confident that I have a great affection for you."

"I have heard five hundred people assert that there is no such agreeable house in Europe as Holland House: why should you be the last person to be convinced of this and the first to make it true?"

"I love the Hollands so much that I would go to them in any spot, however innocent, sequestered, and rural."

Finally, the most sympathetic, as well as one of the shrewdest, judgments comes from Sir Henry Holland, the physician, who knew Lady Holland in all her aspects, perhaps, as well as any one:

"In my long and intimate knowledge of Lady Holland I never knew her to desert an old friend, whatever his condition might be. Many things, seemingly wilful and incongruous in her, might be explained through this happier quality of mind blended with that love of power which, fostered by various circumstances, pervaded every part of her life. . . . Her manner of conversation at the dinner-table—sometimes arbitrary and in rude arrest of others, sometimes courteously inviting the subject—furnished a study in itself. Every guest felt her presence, and generally more or less succumbed to it. She was acute in distinguishing between real and false merit, and merciless in her treatment of the latter. Not a woman of wit in words, she had what might well be called consummate wit in all her relations to society. Once only, and that very late in life, she spoke to me of the labor she underwent in maintaining the position thus acquired."

May we not accept Greville's dictum that she was a very strange woman, adding that, after all, she played her rôle of a great lady in not unseemly fashion? And perhaps it was with some justice that on her death-bed she spoke—most characteristically—of her life "with considerable satisfaction, asserting that she had done as much good and as little harm as she could during her existence."

GAMALIEL BRADFORD, JR.

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A PAIR OF PAGEANTS

BY W. D. HOWELLS

PERHAPS it is my love of alliteration which tempts me to put together under the same head two events so different in scope and character as the pageant at Chester in 1910 and the pageant at Stroud last summer. Their equal claim upon me is that they were both pageants, for which I have a passion that does not very willingly distinguish in its objects; to my impartial affection it is enough that a pageant is a pageant. Even when I came to London soon after seeing the magnificent historic show at Chester, and saw a "Potted Pageant" at the Apollo playhouse under the direction of Mr. Palissier, my pleasure in the kind was not spoiled by a bouffe William the Conqueror, a burlesque Queen Elizabeth, and a comic Queen Anne taking hands and romping in a ring together with other princes; or by a local mayor who grabbed the whole glory of the affair in an autobiographical opening address: I merely found myself wishing that the potted pageant was as long as the pageant I had just come from.

They had been having pageants before that pretty well all over England—at Bath, at Oxford, at Stratford-on-Avon, and I do not remember just where else—and we had bespoken our joy in that at Chester in some fear that we might miss the last of its sort. We made sure of it by committing ourselves to the purchase of expensive seats at the spectacle, which were the last left at the agency of the good Thomas Cook & Son. I was dismayed to find them, on the plan, next the band, but I was assured that the band would not annoy even so great an enemy of music as I professed myself; in the event we really found it very quiet; there were times when I forgot it was there.

Our train from London brought us to Chester at the

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very moment of lunch, and experience had taught us to take it at the Boland Restaurant in one of those Rows, which make two stories of the street; not in a Row of the second story, but of the ground floor. It is at this institution that the royal family, after trying all the other makes in Great Britain, have decided to have its wedding-cakes made (there are terrible effigies of such cakes in the window); but even if you are not a member of that family and do not want to be married you can get perhaps the best, or at least the butteriest, tea-cakes in England at Boland's. You can also get a very good lunch, in the company of other lunchers who crowd every table, up-stairs and down. But if you are served by a quiet little Welsh maid, whose native hills robe themselves in the azure which distance lends as the eye looks westward from Chester, do not permit yourself, in your expansion from the good cheer, to express the hope that she has seen the pageant. She may answer, with her professional smile clouded by personal feeling, that they have been so busy at Boland's she has had no time and will not have even this last day. Beware, then, of asking about the dance which you have seen advertised for that evening; if you do you must go farther and learn that she could get time for that; then nothing remains for you but to supply the four shillings for the ticket and bring the light back to the young face. It is no great sum, to be sure; but I would have you reflect upon the enormity of encouraging frivolity in the lower classes and raising the vain hope in the hearts of quiet little Welsh maids that every American traveler will be as weak as yourself.

Chester was, however, so full of the holiday emotions of the pageant that the pocket opens almost of itself. Their play encountered the eye wherever it turned, in the ancient Britons of both sexes clad in the sheepskins or wolfskins so much worn at one period among them; Roman soldiery of the rank and file, sometimes wearing and sometimes carrying their helmets; early Saxons, secular and clerical; early Normans and early English in their several habits, with tributary Welshmen in theirs; crusaders, prelates, monks and nuns, subjects of Richard II. and James I., and Roundheads and Cavaliers. Besides the historical personages, public or private, there were allegorical figures, old and young, on their way to help in the representation of the City, the River Dee, and the like. If some of these did not

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actually ride down to the grounds on the same tram-top with us, we passed them on their walk thither in pleasant emulation of the tram's effort to arrive first with us. When we were on foot within the grounds the allegory and history easily outwalked us.

The characters were in a hurry, doubtless, to find their places in the order of the pageant and we could loiter on with no care but to arrive at the vast wooden auditorium and get our seats. The mid-July day was one of the best that any summer could do in England, and it was one of the best that the actual summer could do anywhere, though the season was of great cold and wet. Large spaces in the sky were blue and there were acceptable masses of white clouds in the blue, white clouds with their edges and bulks roughed here and there to a fine rustiness; clouds such as Constable liked to paint in his English landscapes, with trees tossing under them. The air was delicious, growing a little fresher as the afternoon wore away and deciding in the evening to be so cold that in the abiding indoors chill we judged it best to have a fire in the grate at our hotel.

The grounds for the pageant were lent by the Duke of Westminster, who could spare them for the week of the show without greatly missing them from the eight thousand acres attached to his seat there. They were generously ample and were perfectly fitted to be the scene of the magnificent spectacle by their shape and their simple and effective features. They spread before the spectator in a rounded square of nearly a mile in length and breadth, and where the green plain sloped gently away on every side, beautiful groves rose densely and formed the setting of the incomparable scene. Through those dark arras the actors in the pageant came and went by thousands on foot and horseback, or, emerging, fluttered over the grass as if their wings of gauze and silk helped them in a real flight.

We had the company of some fairies of tender and mature years as well as of the scattering allegorical and historical types in our rather long way from where the tram left us to our seats next the unjustly dreaded orchestra. But then the usual wait ensued before we confronted them in action, and we had time to become aware of that smell of the trodden weed and of the fresh pine planking which is so temperamental of circuses and county fairs, and of those hasty

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shelters for the purveyance of cold victuals and hot drinks (tea, only, at Chester and not our more national coffee), but there the parallel ended. There is no place in America with memories half or a tenth or a twentieth as long as Chester's. Her record beggars history and must be imagined in its earliest details, for there is nothing really very reliable known of the Druidic civilization. We had to take the Druids and the Druidesses on trust, but we did so gladly; they looked so attractive. The ancient Britons more acceptably vouched for themselves, and when, after an entirely allegorical introductory act, with the goddess River Dee and the god Chester City (and persons "presenting walls" and gates and towers) we came to the good Roman general Agricola and the attempt of an indignant Briton, whose wife has been insulted by a centurion, to assassinate the general, we were on the firm ground of imaginable history. In these circumstances it was very satisfactory to have the Briton pardoned and the centurion condemned to death within the hour, though with my weak-hearted reluctance from capital punishment I could not help hoping his sentence would be commuted to banishment from the British Isles; the summer there was then so wet and cold he would not have minded that much.

The English like their patriotism good and thick (as I suppose we like ours), and a main business of the pageants, which have covered a large part of their country in these last years, has been to flatter their local and national pride. Of course they have a good deal to be proud of as well as sorry for in their history, and their history has touched significantly almost every place in the country. At Chester, as I need not tell the well-guide-booked American, history has touched significantly very often and even made important pauses. It was to these touches and pauses that the beautiful pageant was now devoted. There was that opening allegory and the assertion of British manhood and the sanctity of the British home in that passage with Agricola at no exact date, and then there was King Edgar receiving in 973 the homage of tributary princes, which, as the princes were Welsh and of my own blood, went somewhat against my grain; then in 1093 there was Hugh Lupus (whose lineage still survives at Chester in the reigning nobleman, the Duke of Westminster) helping St. Anselm found the Abbey of St. Warburg; then, a century later, that

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delightful author, Giraldus Cambrensis, helping Archbishop Baldwin preach the Crusade at Chester; then, another century later, Prince Edward, the first royal earl, visiting the city; in yet another poor Richard II., brought captive there by proud Bolingbroke; then, after a great jump of three centuries, James I. visiting Chester, and presently his son Charles I. besieged there by Cromwell in 1645 and driven out of the place, which surrendered itself to Parliament. I will not be sure which of the last two events was graced by the morris dancing of the little girls and the young girls, with their mates, or in which the clowns capered about and wrestled and threw somersaults; but we will say the merry-men helped receive James I. (he was something of a buffoon himself), and that it was the prettier revels which the Round-heads broke up when they rushed upon the scene after much musketry in the distance and the flight of Charles I. To end all, there was a résumé of the events in a tableau before the grand-stand.

It will have been imagined from the detail of these events what motive there was for gorgeous costuming and brilliant action. The literature of the pageant was necessarily an "easy thing to understand," but it was so in no slighting sense, and the art in the color scheme was, if not the last word, at least the next to the last. It had strongly the support of nature in that beauty of the English race which I think grows upon the observer. In former visits I had been, in my modest American way, impressed by the handsomeness of the men, and I still think them the handsomest men in Europe, if somewhat unnecessarily long-legged and narrow-shouldered; but at present I am lost in a far readier and more unenvious wonder at the women's and children's loveliness, especially the children's. It does not always follow that a lovely little girl will grow up a lovely young girl; the angelic features sometimes turn out humanly lumpy, but generally they do not; the young girls are mostly more beautiful than the little girls, if not more delicately beautiful, and the women keep their beauty of face and figure longer; there are not so many lean ones, nor so many fat ones among the matrons as with us. In them all—little girls, young girls, and wives and mothers—the beauty is not beauty of coloring alone, but beauty of feature and a universal kindness of expression. In England everybody seems kind; and they perhaps must be kind or, packed

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so densely together as they are, they would kill one another. Another characteristic of the race which especially lent itself to the effect of such a thing as the Chester pageant is its all but universal single-mindedness. The children not more than the women, the women not more than the men, had given themselves to the work of their play with a seriousness unbroken by the ironical self-consciousness which with us would have forced them to treat it as a huge joke, however well they did it.

The Chester pageant, it must be understood, was the voluntary dedication of time and person by the performers to the public event. That was no mean sacrifice, for the pageant lasted a whole week, day after day; the rehearsals must have lasted twice as long, and the preparation of the costumes and properties must have taken months. Everything was done by the actors themselves, though of course under esthetic direction. Every class and almost every calling was represented among the performers; the Countess of Grosvenor, who marched past the grandstand, was not more superb or less sincere in her stately beauty than the magnificent girl studying for the stage who represented the River Dee throughout the allegory and the events where a river might fitly intervene. The men and the women took their parts as simple-heartedly as the children, but of course the children were the most charming, whether they were boys or girls. It was a gallant sight when the kingly or princely horsemen broke in a gallop from those distant groves and spread over that mighty meadow with their retinues following on foot; it was fine to see the queens and their gentlewomen in the dress of their different epochs; it was richly satisfying to look on James the First and Charles the First and Cromwell in the flesh, with earlier and less familiar sovereigns dating back from Richard the Second; but that nameless multitude of little ones flashing from the woods and flying down the grass was best. It was in these endearing creatures that the color scheme of the pageant had its supreme effect, and if many colds and coughs and countless aches and pains must ensue from their high joys the joys were worth them.

How long the spectacle lasted I would not like to say; only it came to an end too soon for me in that heartbreak which the last act of one's earliest (or latest) circus brings. The pageant was, in fact, very like a circus in the emotions it

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roused; and at times I was aware of the band going on at my elbow like a circus band, but perhaps sweetlier and never molestively. At times there was singing, very good singing, from a choir at my elbow, such as they have in England; and at one high moment there was an intermission when everybody broke away and thronged the sheds behind the grand-stand for tea. The crowd outnumbered the placid maidens pouring the tea perhaps a thousand to one; and the maidens served with fine impartiality the comeliest of the youth who pressed upon them. When one who was neither a youth nor comely soliloquized his despair of tea from them in the cry, "Well, I give it up," a comely youth had compassion on him in the reply, "Oh, don't lose heart!" and won a general applause, while the object of his pity moved off to another shed where a plain, middle-aged matron sold him a cup of tea instantly.

In the delaying perfection of photography, which still halts short of the hues of life in its endeavor for reality, there is no manner of imparting an adequate notion of the beauty and splendor of the Chester pageant. Not having been a contemporary of the different events, I could not be sure whether they were accurately clothed or not, but I imagine all that had been most intelligently looked to. What I was sure of was my pleasure in the ever-streaming, ever-fleeting color. Of course the women were more beautifully clad than the men, though these had occasionally the superior splendor which our sex has now mostly left to peacocks and turkey-gobblers and major-generals; but it was the children, those lovely English children, who supremely took the eye in their silken blues and reds and yellows. They came pouring over the scene literally in thousands; they danced, they seemed to fly; nothing more exquisite, more innocently dear was ever seen. Whatever the historic incident was, they were appropriate to it; they graced, they hallowed it. I dare say they were sometimes naughty in every-day life and had to be cuffed, or at least snubbed, and sent prematurely to bed, but there was no hint of this in the pageant, or of the stomach-aches which must follow their prolonged exposure and exertion. After the pageant, when we began to see them straying homeward through the streets, they were still angels; tired angels who were somewhat languidly doing Morris Off when they had been so vigorously doing Morris On.

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Fragments of the spectacle, dispersed and returning for the time to private life, showed themselves to our well-contented eyes; young fellows in their prehistoric skins and furs, consorting impartially with Druidesses and court ladies, and Puritan maidens coquetting with Cavaliers off duty, were to be seen on the way to our hotel and disappearing down the different side streets where they possibly dwelt. If I had my choice, I think I should prefer to have kept for longest companionship a Roman soldier on a bicycle, with his helmet hanging at his saddle-bow for his greater convenience in smoking a cigarette. But I should like to have kept them all, and my only sorrow is that the Chester pageant should not have lasted till now, that it should so soon have followed the circuses of my boyhood into the irrevocable past.

It seemed extremely probable that we should have to walk the whole way back to town, but if you will have patience you can nearly always get some sort of carriage to take you home in England, and there really proved a superfluity of conveyances from the pageant grounds; in the persisting excitement everybody else seemed to prefer going on foot. When we reached our hotel we found it as cold as if the day had not been fine, and that question which so often besets you in England, "Shall we have a fire or sha'n't we?" perplexed us till in our desperation we spent the one-and-six which a fire costs and had a fire. We did not regret it; but if I had saved the one-and-six and gone shuddering to sleep the suffering would since have been made up to me by the suffering from the heat which I underwent on my way to the pageant at Stroud last summer. That season will live long in the memories of people who lived through it, for the drought and the heat were unparalleled. To suggest the excess of both one must beg the American reader to draw upon his associations with our torridest Fourths of July, and imagine these terrible anniversaries repeating themselves uninterruptedly for a month. My journey to Stroud was through what are usually the loveliest of the English levels, but now on both sides the burned fields stretched away in a dry brown for which our favorite figure of a door-mat is inexpressive. They were not only dry and brown, they were often dry and gray; ashen deserts which had abandoned any notion of verdure. The dusty hedges ran backward and outward

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from the train, sere, stiff, lifeless; the trees which are so plump and full in the English landscape stood lean and listless in circles of their fallen leaves. Stroud is a pretty town, mostly manufacturing, with tall chimneys "hearsed with plumes of smoke," but also streets and streets of pleasant small dwellings stretching along the slopes of the Cotswold Hills. As we neared the place and began to mount these slopes the scenery began to cheer up a little; when we reached Stroud, it was as if the pageant had arranged with the elements and had really provided itself with something like the wonted English green for its entourage. It had not rained apparently, and the stage, though not comparable in size with the stage at Chester, could not have been lawn-hosed, yet it was green and it comforted the eyes after that vision of a burned-out world.

The scene of the Stroud pageant, though it was no such vast expanse as the scene of the pageant at Chester, was still ample, and it held the slighter performance in an embrace which was not too strict for it and yet not too lax for its details. Some rows of trees formed the *coulisses,* and behind them one could see the actors in the events gathering before they came upon the scene. On the turfy slopes to left and right the spectators thronged in the white or the bright dresses that contrasted with the green where they stood or lounged in large or little groups. The English sun, that often seems so fierce, does not mean murder like ours; the heat was strong, but no one would suffer exhaustion from it, and those pretty colors did not shriek as they would have shrieked in our thin air. Even at two o'clock a delicate haze veiled the gentle hills forming the amphitheater, and as the afternoon waned they grew dimmer and dimmer under it.

The grass of those hills has been immemorially cropped by sheep whose wool has locally been more desired than their mutton, and the thread of industrial interest which ran through the incidents of the pageant was the fiber which successive improvements have refined and woven into richer and softer cloths at Stroud. Another thread, but this of humanitary interest, which helped hold the scenes together, was the notion of advancing civilization which the poet of the play boldly declared in the title of a "Mid-Gloucestershire Pageant of Progress." He had meant to "moralize his song" and his difficulty was to let it not "perhaps turn

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out a sermon." He had succeeded in this as well as in keeping his text simple and plain without allowing it to drop to the level of commonplace. It kept the level of the common people, which is not that of commonplace, and it expressed the things that might have been felt and thought about the facts by the actors. For these men, women, and children were work-folk, Stroud factory operatives and Stroud farmers, who had given the leisure won from their work to learning and dressing and staging the poet's intention. Of course there was an artistic scheme for the pageant, as there was a literary scheme, and the work-folk conformed to the one as they conformed to the other. But that they should love both so much as to give their time and their money to both formed the charm of the affair which began drawing me irresistibly to Stroud as soon as I read of the promised pageant.

Naturally, perhaps inevitably, the pageant opened with a scene between the Druidic Britons and the humane Roman soldiers who released some captives about to be offered up in worship by the Druids, and erected "an altar to Terminus, the god of roads," to whose cult we doubtless owe at this day our pleasure in traveling about England. A more historical incident followed in the Lady Gytha's forcing Earl Godwin, by refusing to eat any food from the lands he had robbed the Nuns of Berkeley of, to make them due reparation with other lands for their convent. Next the King's commissioners, coming to value the lands for the Domesday Book, liberate a coffle of child slaves on their way to be sold in Bristol; next Edward III. teaches the people of the Cotswold Hills to tolerate the Flemish weavers he has brought among them that they may learn how to weave their own wool and not send it away to be woven; next Queen Elizabeth reads them a like toleration of the Huguenot refugees who have come among them and whom the singers and dancers round the maypole have turned from their merry-making to kick and cuff. Another episode brings Puritans and Cavaliers together in hailing, for peace' sake, the return of King Charles II.; he has not yet had time to show himself the ungrateful blackguard he was, and one could forgive the limping logic of his people's reconciliation to him. Mrs. Siddons, in the succeeding event, instructs the good, kind, dull George III. to think better of the theater than he has done hitherto, and the King con-

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gratulates Robert Raikes on the institution of Sunday-schools. After this there are Corn Law Riots in 1846, which are appeased by the news of the repeal of the Corn Laws; and the pageant closes with a vision of Present Day Progress. Fortunately, the great railway strike had just ended, and the incongruities could not make themselves felt so keenly as they might have done ten days earlier.

If I have insisted too wholly on the part taken by the work-folk in the pageant, this seems the place to say that some of the gentle as well as the simple shared in it. Lady Gytha was done by the wife of the poet, and Mrs. Siddons by a young lady of a chief local family, who both gave artistic as well as social distinction to the affair, though for me it had its supreme appeal as the affair of the common people. I believe it was the poet's notion that it should be so; and I might easily praise more than I have praised his sympathetic conception of progress as the advance which they had made. They were humorously as well as pathetically characterized in his drama, which touched the extinct conditions with the life of passion and prejudice and painted the picture while it told the story of the past. Now and then, as in the portraiture of our own last king, that poor George III., with his "What, what, what?" and his "Eh? Eh?" there was a bit of refreshing comedy.

The pageant was throughout a series of escapes from the didactic for the poet, but these were so triumphant that I found myself forgetting at times the ethical import of this scene or that in the beauty of it. I feel now as if I had rather rubbed the moral in on my reader; but the trouble is that I could bring the moral away with me and I had to leave the loveliness behind in that cup of the Cotswold Hills; the singing and the dancing, the brave dressing, the good, stout declamation of some, the delicate sense and expression of others. I had to leave even the Boy Scouts, who helped operate the pageant and were evident throughout, as they are so often in England now. They did not, perhaps, operate the pageant so distinctly as their early presence on the scene seemed to promise, but they became remarkably useful before it ended in bringing round tea. With their bare arms and legs and sandal-shoon, and staves with which they help their activities in scouting throughout Britain, they were as picturesque as any integral actors in the drama.

W. D. Howells.

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THE "OPEN" SHOP

BY ELBRIDGE H. NEAL

So little comes from the ranks of labor and so much from the employing side in the way of writing on its "closed shop" question, which is frequently described as one of the most vital industrial problems of the day, that the general public is likely to form an opinion that labor is here seeking more than it should. It may be premised that under present industrial conditions we have a constant warfare where the betterment of one class is only achieved by coercion. There has been a general advance in the ranks of organized labor in which, with the menace of "strike," it has secured better wages and shorter hours, checked, however, here and there, by employers' "lockouts" and "blacklists." But in this forward movement it has come to many citadels which cannot be carried by the assault of "strike." These are the "open" shops. Parleying with those within has failed. New weapons must be brought into play and a siege begun.

But why should union labor interfere with these citadels? The workmen within may be satisfied with the conditions under which they labor. This may be because they do not know that better terms can be had. Fear may keep them in their place, because the expression of any unionizing sentiments, especially in small towns, may lead to discrimination against them or their discharge by the baron of the citadel. The rule is almost invariable that the hours and wages in the union or "closed shops," as the employers prefer to term them, are better for the men than in the non-union or "open shops." Herein lies the most potent reason which union labor has for attacking these citadels.

In the competition of trade the existence of the many union shops is threatened by the cheaper-made products of the non-union shops. They are a continuing menace to the

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union movement. The positions of union men in union mills require outside support from the union ranks as against the underselling of the non-union shops. Labor has two methods which it employs in these sieges. Where the products of the non-union shop are such that other mechanics have to work upon or install them, such as mill work, union labor may refuse to do so; where the products come from the non-union shops ready for the market, union men may refuse to buy them and ask their friends not to buy them in the cause of labor. Yes, not only in the cause of labor, but many times in the cause of humanity. The conditions in many non-union mills are such that women and children are employed for long hours on dangerous occupations. For instance, in a litigation in which the labor organization to which the writer belongs is involved, the proprietors of two wood-working mills of the West testified that they each had four women working at circular saws, more commonly known as buzz-saws. It has been estimated that one-quarter of the men who work at these saws lose one or more fingers, and in St. Louis it is said that about half of these men in the mills have been so maimed. The Labor law of New York prohibits the employment of women about dangerous machinery, and especially refers to circular saws. Yet, except for the activities of union labor, these products of the women of the West would sell freely in a State where women could not work upon them. There are many instances of the extreme youth of boys and girls employed at other functions in these two mills.

We hear much of the right of individual contract, of the sovereign right of every man to work for whom he pleases and for what he pleases, but behind that beautiful sentiment lies the sovereign right to grind up the bodies and souls of girls and boys into American dollars with which anti-union combinations can smash organized labor, which stands for the sovereign right of every man to support his own family and not be obliged to put his boy and his girl in these great wood-working factories to help him eke out a bare existence.

In this economic warfare we would naturally think that capital could protect itself. Employers are combined in almost every trade and from city organizations to national. Several years ago the Master Carpenters of the city of New York combined and "locked out" the union carpenters and

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kept them out for nine months, with disastrous effect to both sides. Trade conditions in turn adjust themselves, and the results of industrial fights give each side a new understanding of the power of the other. They come to terms which show concessions on each side. To seek to overreach the other is tantamount to another declaration of war. In the conflict among the great business interests there is seldom resort to the courts. They keep fighting until one after another falls. No concern in the fierce competition halloos, "I'm hurt!" and flies to the courts for injunction relief.

Not so in labor disputes, especially those arising over the "open shop." Here many of the employers want the aid of the courts in the warfare. Many of them are combined in associations which carry on litigation for their members. The assessments of each are small, and expensive litigations are in this way carried on against labor where the plaintiffs only pay nominal sums of money. This sort of combination, though in violation of the penal law of this State, has not so far been condemned by any court decision, while labor combinations in many of their endeavors have been. It is because the "lockout" and the "blacklist" of the employer cannot be employed in the attack on the "open shop" that he sets up the cry of injury and flies to the courts. The storm-center of these litigations over the "open shop" is now the United Brotherhood of Carpenters and Joiners of America, the largest of labor organizations. It is defending at the present time two of these injunction actions in the Federal courts and three in the Supreme courts of New York.

Fortified by the principles which early grew up in the law to protect the rights of individuals, the employer feels that the position in which he is necessarily placed by industrial competition commends itself to his conscience. The law, as it has been developing for ages, has been throwing out its tentacles around property to protect it. Individual liberty is concerned in perhaps not one in two hundred cases before the courts. The individual has had less difficulty to protect himself in his person than to keep other hands off his property.

An early principle of the law which is covered by countless moss-grown decisions is that the good-will of a man's business must not be interfered with. As corollaries to this we have the principles just as often declared that a work-

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man's right to labor where he pleases must be respected, as likewise the right of the employer to choose his own workmen. Nor must there be any abridgment of the right of employer and employee to make what contract they may agree to with regard to compensation.

With the expansion of the world of trade and industry, men began to move in masses as they do to-day. From passing on individual rights the courts have now to consider and declare the rights of masses of men surging together, one mass seeking to overreach or overpower the other in this industrial warfare, not of individuals, as before, but of bodies of men in the struggle for existence. The individual, with his fundamental rights still existent but practically useless in a large part of the field of warfare, is overwhelmed. Everywhere there are combinations. With individual employers at the start we find now immense corporations employing many hundreds, even thousands, of men. Further, we have combination of all the combinations of employers in allied trades, as in the case of the Employers' Association of New York, which is a combination of the different associations of employers in the forty or so branches of the building trades. We need hardly speak of the combinations more distinctively known as trusts, which control the prices of almost everything necessary to existence. In this mass of combinations we find labor in the different trades seeking to obtain, in combination, a better plane of living than the members could individually attain in competition with one another. The competitive value of almost every marked article has been swept away, and those who have eliminated it hark back to the old principles of individual right in the employment of men and want to pay them wages and work them hours fixed on a competitive basis.

It would seem that the courts should keep their hands out of this economic warfare, except where malice or violence is shown in labor's acts. During nine months of lockout experienced a few years since, when carpenters were doing their best to hold their organization intact, meeting in a great hall day after day to discuss the situation and hear reports from the committee in charge, then going quietly to their homes—during all that time not one act of violence was charged up to the carpenters' union of New York City. The main weapon of the workman is the strike, and its efficacy is wholly dependent on the number of men who will

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cease working at the same time. The main weapon of the employer is the lockout, and its success depends on the number of employers who will unite in locking out until they starve out the members of a particular labor organization.

It took years to get a declaration from the courts that union men may refuse to work with non-union men, unless they are actuated by malice and do not use violence. In many jurisdictions there are decisions to the contrary. The courts of the State of New York seem to be more advanced in their treatment of the rights of men in masses. The statutes of many States have removed the competitive rule from all public works by providing for eight hours a day and payment of the prevailing rate of wages.

In the "closed shop" issue, so far as the United Brotherhood of Carpenters and Joiners of America is concerned, we have the question, not of the right of union men to decline to work with a non-union man, but the right of union men to refuse to work on non-union-made material. This question is being thrashed out in five litigations previously referred to. Four of these litigations are brought by that other combination of employers which derives its revenues from contributions of non-union employers all over the country to carry on litigations against labor unions. The plaintiffs are the owners of non-union mills, mostly of the West.

The 200,000 members of the Brotherhood of Carpenters in the United States and Canada are divided into 40,000 men who work in shops and mills fashioning wood products to be used in buildings, and the other members, who are engaged in the construction of buildings, as part of their work install the products of the mills. The non-union mills exceed in number the union mills of this country, and there are many thousand non-union carpenters engaged in the construction of buildings, but there is no way to ascertain their number. The siege of the union carpenters against these non-union mill citadels to prevent them from overcoming and putting out of work their 40,000 fellow-members in mills is wholly conducted by the refusal of the 160,000 "outside" carpenters to install in buildings mill products not made by their "inside" members in mills. In these appeals to the courts the non-union mill-owners do not flatly say that they want mandatory injunctions to compel union carpenters to work on their non-union mill products. That would raise the issue of involuntary servitude

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prohibited by the Federal Constitution. The theory of the cases is that enough union carpenters will be found who will ignore their own rules and work on non-union mill products if their officers do not interfere, so injunction is asked against the officers of the organization to prevent them from ordering strikes. It is a subtle way to seek to disorganize a union by giving court succor to the rebels in an organization.

In view of the fact that many of the articles regarding the "open shop" are really directed against the carpenters, and the importance of the litigations in which they are involved, it may be well to give some details about this great organization, particularly the New York District Council, whose officers are defendants in the present litigation.

The Brotherhood of Carpenters of New York City have for many years been carefully considering their laws, first trying one method after another that they thought would benefit the greatest number, rescinding one law, adopting another, or amending another. They now believe they have a law pertaining to apprentices that is as near the ideal as a body of approximately 20,000 local men of all nationalities and creeds is capable of devising. One apprentice to eight mechanics in mills, or one to ten mechanics, as obtains in building construction, has proven satisfactory to all of our employers except that rare individual who desires to employ none but apprentices or to employ ten apprentices to one mechanic.

A man's eligibility to membership depends entirely upon whether he can qualify as a skilled mechanic. If in the opinion of the Examining Board an applicant has demonstrated his ability to command the prevailing rate of wages, his admission to membership is certain even though the local union to which he applied rejects him. This often occurs, as, for instance, a machine-hand local would not desire an "outside man" to affiliate with them, or a German local might refuse to admit a Scandinavian. This, however, does not signify that the applicant, being once rejected, is denied admission to any local. Many locals make no distinction, and any skilled man, regardless of his race, creed, or color, is admitted. (There is a local of colored men in the Greater New York District, and one or two other locals have two or more colored members.)

The organization gives every encouragement to boys desiring to learn the trade and are consistent in safeguarding

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their welfare, and one boy to ten men is not a restrictive measure when the great size of the organization is considered and the uncertainty of employment. There are at present three thousand idle carpenters in New York City, many of them young, able-bodied men and skilled mechanics. Many times carpenters are compelled to wait a week or more after securing a job before they are permitted to "start in"; then the job may last a week, a month, or six months, as the case may be. Any new job just starting will find many men waiting all day long for an opportunity to "ask the boss" for a job. Many times the men secure but a few hours' or a few days' work and then comes the weary tramp from place to place, seeking another chance. This condition of affairs is truly a pleasant one for a bright, ambitious boy learning a trade to look forward to, is it not? Bear in mind that these men are not receiving five dollars nor five cents per day while going their weary rounds, but their rent goes on just the same and the kiddies' shoes wear out just as fast when dad is not working as when he is. It seems to us that this is a phase of the situation that is studiously avoided by the public press and by those who delight to discourse upon the "menace of organized labor."

Another matter worthy of consideration is the fact that very few carpenters will permit their boys to "learn the trade."

We do not believe in the open shop, because we do not believe there are any good open shops; all are bad and some are worse. The union carpenters, by united effort, established a working-day consistent with our present-day civilization and established a minimum wage; any man not capable of earning that minimum wage in the carpenter trade has missed his calling, and perhaps a good lawyer or a good policeman has been spoiled by having his talents misdirected; he should choose some other walk in life more in keeping with his qualifications.

Any member of the carpenters' union who has demonstrated to his employer that he is worth more than the minimum rate is at liberty to accept remuneration commensurate to the value of his services and no protest will be forthcoming, unless perchance, from a jealous fellow-workman.

The open shop that pays its employees anywhere near the minimum established by the union does so because it knows that its employees can join the union and secure employment

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in union shops or jobs. This condition is taken advantage of by the employees, and they secure the approximate equivalent of the union rate without being obliged to contribute dues or assessments to a trade-union that through its efforts has benefited the non-union man as well as members of the organization. This is what we might term keen business acumen, but questionable principle.

This kind of an open shop gives encouragement to the proprietors of others not so well situated, and the union man finds himself confronted with open-shop products manufactured by women and girls who work ten hours per day and receive from eight to ten cents per hour, as is the case at the present time. Naturally the members of the carpenters' union are fighting desperately to prevent the one hundred and eighty mills and factories in and around New York which employ union men from becoming storage warehouses for wood-trim and doors manufactured under non-union conditions, and at an average wage oftentimes less than one-half the minimum established by the unions and for a week of sixty hours or more.

The alleged unlawful acts of the carpenter, consisting of striking, are committed for the purpose of keeping a roof over their heads and keeping their children in school. Most of us are men of common education, and the law as expounded in the legal verbiage of to-day is Greek to most of us, but we believe we know right from wrong, and we are fighting our battles through the courts along clean and conservative lines. We have had many bitter struggles, many within our own ranks that the public knows nothing of, but right has prevailed in the end.

An employer will not deal with the representative of a union, he will not deal with a committee of his employees, he will deal only with the individual, because he believes in the sacredness of individual contract. Here is a case: "John, you have been with us a long time now and are getting along in years; hereafter we will pay you twelve dollars per week. You can take it, or pack up your tools and get out of the shop." This man, with the aid of a boy, had made much more than this on piece-work, but, having made nothing but ice-boxes all his life and knowing how impossible it was to earn his living in any other way, was obliged to accept the terms offered or starve.

Another illustration of the beauties of individual contract

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and "the sacred right to work for whom you please and for what you please" is set forth on page 94 of Jacob A. Riis's *The Making of an American:*

"In a planing-mill in which I had found employment I contracted with the boss to plane doors, sandpaper them, and plug knot-holes at fifteen cents a door. It was his own offer, and I did the work well, better than it had been done before, so he said himself. But when he found at the end of the week that I had made fifteen dollars where my slow-coach predecessor had made only ten, he cut the price down to twelve cents. I objected, but in the end swallowed my anger, and by putting on extra steam and working overtime made sixteen dollars the next week. The boss examined the work very carefully, said it was good, paid my wages, and cut down the price to ten cents. He did not want his men to make over ten dollars a week, he said; it was not good for them."

This is an ideal illustration of open-shop methods and the sacredness of individual contract. The above is the rule and not the exception in open-shop methods.

Is it any wonder that a feeling of bitterness is engendered in the hearts of union men when an association with unlimited financial backing is seeking to re-establish conditions as cited above? Is it any wonder that 6,000 voters of Greater New York changed their political faith at the last election? Is it any wonder that the Brotherhood of Carpenters are spending thousands of their hard-earned dollars in combat with this gigantic lumber trust and their union-hating representatives who masquerade behind such patriotic phrases as "the inalienable right of every American citizen to work for whom he pleases and for what he pleases"? Not one word of the sacred right of the girls and women employed in the western wood-working factories.

We are restrained by the courts from telling our fellow-trade-unionists that certain wood-trim and doors are made by women and girls or under conditions that will eliminate every clean-living, right-living machine-hand or wood-worker from factories doing this class of work.

We claim the right to strike. The law gives us that right, for cause or no cause we can cease working, and when we find that we are erecting wood material in buildings—material manufactured under conditions such as to make it impossible for us to live as civilized human beings should live, were we compelled to accept them—that would reduce four thousand rent-payers in Greater New York to abject poverty, we ask if that is not sufficient cause to strike?

We are restrained by the courts from telling our fellow-

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workmen, verbally or in writing, that they, by erecting this material, are giving valuable assistance to wage-reducing, labor-crushing machinery of the lumber trust; but they are not restrained as yet from thinking and voting.

It is said that the unions are able to enforce their wicked policies because they are affiliated with the American Federation of Labor, composed of nearly two millions of members, who are enjoined by their officers to refuse to deal with those who do not employ union men. This idea is worked up with all the skill which a strong but unreliable imagination can give it, so that one can picture the whole body of organized labor in the country, with long-distance telephones, telegraphs, agents, etc., as quick and ready means, enabling them to swoop down on some one to compel him to do something which he cannot lawfully be compelled to do. This is ridiculous in the extreme. But they do take place, it is asserted, and they are unlawful; they are boycotts. The courts enjoin boycotts, and the friends and advocates of the open shop are strong for the injunction. In this land there is an organization known as the Consumers' League, which is composed of thoughtful women who refuse to purchase the wares of employers who do not provide suitable conditions and living wages to their employees. Are we soon to see the injunction used against them to compel them to buy from such employers and not to discriminate against them? Recently, when the high cost of meats was attracting universal attention, it will be recalled that hundreds of thousands of people in Cleveland and other large cities refused to purchase the products of the members of the supposed combine which was fixing the exorbitant prices. Should not the injunction have been used against them to compel them not to discriminate against these persons? If not, then these masses of people thus discriminating, like the unions, are taking the law into their own hands; of what avail against the hard facts of life are arguments based upon the narrow, mean principles of technical legal rules and decisions handed down by the courts, who ignore the realities of existence going on before their very eyes for the musty precedents of centuries gone by. There is no permanent strength in misrepresentation. Truth alone is eternal.

The principle of the closed shop is railed against by misrepresentation, not struck at by facts. Trade-unions fight for the closed shop to unite all men of the different crafts

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in efforts to better their condition. The individual member of the union, when he loses his employment in a strike, does not do so because he alone benefits thereby. On the contrary, he makes a sacrifice; he is heroic because he is acting in behalf of his fellows to benefit them as a whole. Yet it is said that he does it to prevent a non-union man from getting employment.

Then, too, the employer, so anxious, forsooth, for the welfare of the non-union man, points to the horrible fate of the man who cannot get into the union or who, having been in, has been expelled. He must starve, they cry with terror. They speak only of what may be. They refer to no facts. Many have been sacrificed in all wars for their principles; doubtless cruel suffering may sometimes be inflicted upon a man who has been expelled from a union because he cannot get employment. Until mankind becomes ideal in conduct, we may look for such things to happen to some unfortunate and isolated victim as we may look to see other unjust suffering.

"The right to strike!" The word "strike" is obnoxious to every business agent and every officer of the Brotherhood of Carpenters in Greater New York. It is their business to keep the members employed, keep them employed under living conditions. When a business agent finds a boss "scamping" his job, he is reasonably certain that wages are being "scamped" also, and if the men employed are true union men they give the facts, and if a talk—and sometimes a little bluster—does not put the employer in a humor to pay the prevailing rate of wages, a strike follows and the job is at a standstill, unless the employer can secure a few advocates of "the right of every American citizen to work for whom he pleases and for what he pleases" to man his job.

Organized labor, and the Brotherhood of Carpenters in particular, advocate the elimination of the open shop. They say so frankly, as years of experience have shown every thinking man or woman that the open shop stands for low wages, non-progressive methods, entire disregard for the safety of the employees, entire disregard for proper sanitation. Human life is the cheapest thing in an open shop. The establishment of the closed shop compelled the elimination of child labor in eastern factories, compelled the safeguarding of human life, reduced accidents to a minimum, refused

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to tolerate criminal carelessness upon the part of manager and owner, and from actual shame the owners of open shops have in some instances fallen in line and are at least making some pretense of caring for the interests of their employees.

Therefore, the writer contends that the closed shop is a boon to civilization, it is a factor in bringing about humane conditions, it is a factor in eliminating cut-throat competition, placing employers upon an equal commercial basis, eliminating entirely the brutal methods as cited by Mr. Riis in his book.

We sit in silence while the public press vilifies and vents its spleen upon us. We read its inspired editorials and we know from what source they come. We read the venomous attacks upon us, and, knowing we are right, we wonder if our detractors know that they are sowing the seed of discontent, of unrest, of resentment, of bitterness in the hearts of working-men. Organized labor stands for clean living, right thinking, conservative action, and conservatism within the ranks of organized labor will prevail—if our detractors will permit it.

ELBRIDGE H. NEAL.

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THE DANGERS OF STATE INSURANCE

BY HUGH HASTINGS

As a student for years of labor the writer recognizes the tendency of the times to compel the master by law to compensate an injured employee for loss of time and to pay an adequate sum to those dependent upon such employee whose death has been caused through accident, whether by negligence chargeable to his employer or not.

Until within a few years it has been an almost universal custom among employers to do what each one considered equitable in such cases, with preference shown to employees long in service over those of more recent date. In fact, each accident was adjudged by the employer according to surrounding conditions and to the individual idea of what was proper and just.

The comparatively small number of legal actions brought by injured employees against employers to recover damages, as shown by court records of twenty years ago, speaks well for the employer of those days. But times and methods have changed. Business enterprises have grown so vast that no longer the employer can maintain the personal relationship with all his employees that was practicable forty or even twenty years ago, nor can he by any possibility, because of the constant shifting requirements of business, find it feasible to undertake that direct personal interest in every man and woman that is injured in his employ. It was, therefore, eminently proper and right that the law should step in and define the relationship between master and servant. No fair-minded employer objects to a negligence law that is just to both parties. The employee naturally demands the law that contains provisions most favorable to his interests. The employer, however, must sedulously consider the law from another standpoint. It is he who must arrange that the burden of compensation or damage paid to employees

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for injuries sustained shall not exceed the profits of the business, but still leave a fair remuneration for either stockholder or individual whose money is invested.

From the moment the employer is inspired to investigate the subject in order to determine for himself what law, either past, present, or contemplated, is the best suited for his particular kind of employment and undertakes to absorb all the literature and bibliography accessible, he is hopelessly lost. He finds that to attempt to interpret the Sherman anti-trust law and to instruct the United States Supreme Court to define that simple document is child's play compared with trying to construct in his own mind a compensation law that is equitable and fair and will give satisfaction to all parties concerned.

Let us take one look at what has already been accomplished in the way of law-making on this subject and examine the laws that the following countries are now enforcing, called in general terms beneficial laws for occupational injuries: England, France, Germany, Austria, Belgium, Denmark, Norway, Italy, Finland, Holland, Sweden, and New Zealand.

In the United States very recent legislation on the subject has been adopted in New York, New Jersey, Vermont, New Hampshire, Massachusetts, Ohio, Illinois, Wisconsin, Indiana, Kansas, and Washington. Between foreign countries and the enactments in our own States it is presumptive that every form of law may be found, good, bad, and indifferent, that the human mind is capable of framing, no two of them alike, each containing merit or demerit equally, each appealing one moment and repelling the next, until the task of separating the wheat from the chaff and formulating a law that will partially solve the problem seems almost hopeless. The best that can be done will hardly pass muster, but if with the material at hand an expedient can be arranged temporarily to bridge the gulf between employer and employee with a minimum of harm to both, until time has elapsed to perfect a completed experience over a five years' period basis, a long step toward solving this intricate problem will have been accomplished.

The laws governing compensation to injured employees in foreign countries may be separated into two classes: "simple compensation," the English form, and "compulsory insurance" either by State or mutual associations.

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Careful study and mature deliberation eliminate comment upon foreign laws with the exception of those in force in England, Germany, and Norway, which are considered by profound students as the best of their kind in force.

More has been written of the German method than that of any other country, and it is the general impression of employers of labor and of thorough students of this subject that the German method has proved an unqualified success and would work equally well if transplanted to our shores. But a literal analysis of that law and exhaustive study of the statistics prepared by the Government by no means justify the contention of its success in or adaptability for this country. The main objection to the system is based upon the fact that it is compulsory insurance in mutual associations composed of all the employers in any given line of trade and vested with power to regulate and control their members. Through this system of control it is possible in Germany to make a flat rate of premium applicable to all employers in any given line of trade, for it must not be forgotten that this compulsory insurance serves two objects: first, to prevent accidents, and, second, to compensate for accidents that are inevitable.

The control of manufacturing plants by trade associations has brought about a high level of safety in all establishments. But while trade regulations and the laws providing safety for employees are rigidly enforced, fines were imposed and collected by trades associations in 1908 amounting to 412,608.51 marks to compel delinquent members to perform their legal duties. In spite of this regulation and inspection, the statistical details prepared by Actuary Miles M. Dawson show that between 1886 and 1908 it was found necessary to raise the rates of premium in certain cases five hundred per cent. over the rate for 1886. And the end is not yet, according to the testimony of Actuary Dawson before the Congressional Employers' Liability and Workmen's Compensation Commission. It is quite likely, Mr. Dawson declares, rates would continue to be increased for a period of fifty years from 1886, when the law first went into effect, before a level would be established. In other words, a new enterprise started in Germany during the year 1911 would be forced to pay its pro rata share in the class to which it belonged for all accidents happening between 1886 and 1912 that remained to be adjusted or upon

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which payments are still to be made over a period of years for those dependent on employees killed in service and those totally incapacitated who are pensioners of this fund until death. As an example of increase in rates: the rate on machine and repair shops was thirty-two cents per $100 of pay-roll in 1886 and $1.69 per $100 of pay-roll in 1908. Steel castings from forty cents to $2.03, and blast-furnaces from forty cents to $2.64, and so on through the list. We must also bear in mind that these rates only provide for serious accidents, as minor accidents, when loss of time does not exceed thirteen weeks, are taken care of from a sick fund.

In this country there are no trade associations that possess the power to enforce safety regulations throughout any given trade, nor to my knowledge is there any State in the Union where the laws that provide safety appliances for workmen are rigidly enforced, for the reason that the State has failed to provide the machinery to enforce its laws. Admitting that this is so, the baneful hand of the politician would soon appear in evidence for the comfort and profit of the man with a pull who would be relieved of the responsibility that would be imposed upon the man without a pull. A flat rate of premium through any given line of industry could only result in monetary punishment to the well-ordered establishment and a bonus allowed to the run-down, obsolete, and badly managed establishment. No less an authority than Privy-Councilor Ferdinand Friedensburg, late president of the senate of the German Imperial Insurance Office that enforces the law, declares the system is a "costly, inefficient, and demoralizing failure."

Another grave defect in the law is that no provision is made by the Trades Association for taking from the insured a pension obtained fraudulently or unjustly granted, although a rehearing is conceded when the claimant becomes dissatisfied. In consequence, such rehearings are increasing and frequently result in an inflated pension.

A system of insurance regulated not only by the Government, but by the trades themselves, that has proved a hotbed of corruption, malingering, and fraud requiring a tremendous and expensive organization to handle, involving an increase in rates in some instances of five hundred per cent. in twenty years, would not, from the standpoint of an American manufacturer, be considered a success or meet with the endorsement of either workmen or employers.

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Therefore, the German system should be dismissed without further consideration.

Let us now consider briefly compulsory State insurance as illustrated by Norway and the State of Washington in the United States, the latter operating under a law largely copied from that of Norway.

It is generally conceded that the management of the Norwegian Insurance Office is exceptionally good and that the experience under the Norwegian system, so far as known, has been generally favorable. It must be borne in mind, however, that the conditions in Norway may justify a trial of State insurance because of the peculiar advantages offered. Only a small percentage of Norway's two million two hundred thousand persons are engaged in industries covered by this insurance, and most of these are of the same nationality, while the changes of employees in the different establishments represent a very small percentage of the number employed.

Unrest and dissatisfaction with conditions of employment result not only in accidents, but in strikes. But no more remarkable illustration of the Norwegian's apparent contentment and satisfaction can be cited than the strike of the iron and metal workers in 1903, the greatest labor conflict on record till 1910, and yet this strike involved only 1,052 employees. Politics appear to have little or no influence over the conduct of the Insurance Office. Even with these ideal conditions surrounding this scheme of insurance and under efficient, capable, and experienced management, with rates approximately the same as those charged in England, a few years' experience has shown that they had not reserved sufficiently to cover accrued liabilities and were obliged to make good a deficiency of $100,000 that had to be paid as a general tax upon the Government. If New York State were operating under the laws of Norway this deficiency would have been not $100,000, but several millions of dollars, owing to the greater population and the increased number of employees insured, and this additional burden of several millions of dollars would have to be paid by a direct tax upon the State of New York as a whole.

In order to be successful, compulsory State insurance must be a monopoly—that is, all insurance of this nature must be transacted through one source. The State of Washington has cleverly recognized this feature, and consequently

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monopolizes workmen's compensation insurance to itself. The authors of the Washington law delight to call it compensation, but it is far from that. Because of its meager benefits it appears more in the light of an amplified poor law with its object to prevent absolute pauperism. It is impossible to believe the labor unions of the State of Washington approved this law, unless they contemplated to enlist political influence in order to magnify the benefits. As a matter of fact, it is unfair to consider the Washington law as a compensation law. The law fails to provide for accruing liabilities, for the proper machinery to enforce it, or for a prompt and efficient means of compelling a recalcitrant employer to insure his men. The method of establishing rates is crude in the extreme, and their method of apportioning the pay-roll through a given class at a flat rate is still worse.

The absurdity of the whole scheme is exemplified by the statement of Mr. George A. Lee, Chairman of the Industrial Commission of the State of Washington, relative to the claims for the death of eight girls in a powder-mill explosion at Chehalis, Washington. Chairman Lee states that the amount of claims for these eight girls must, under the law, be paid by assessment levied on the powder manufacturers of the State. It seems there are but three powder manufacturers in Washington. Of these, two paid the assessment levied upon them by the Insurance Commission in accordance with their estimated pay-roll and turned over to the State the sum of $270 as their insurance premium for one year. The third manufacturer refused to pay, maintaining that the rate charged was excessive and that the conditions safeguarding his plant were so far superior that it was unfair to assess him the same rate charged against the other two. The maximum amount which should be collected from the State for this accident, according to law, is $32,000, but the Attorney-General has raised the question that the law does not require the payment of $4,000 for the death of a minor, and it is now for the Attorney-General to prove, if he can, the economic value of a minor as compared with an adult. Before the law had been in effect sixty days the Washington State Insurance Commission found itself face to face with the extraordinary problem of paying a maximum loss of $32,000 out of the sum of $270 on hand. Litigation between the Insurance Commission and the Attorney-General, with

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the sum of $270 premiums already collected to draw upon, will doubtless ensue to determine the economic value of a child. A careful perusal of the published rates for this insurance, with the grouping of trades without any relation one to the other into classes subject to a flat rate of premium, discloses such a lack of knowledge of the difficulties, embarrassment, and expense necessary to operate a law of this kind as to make the system open to ridicule.

Until the litigation is settled and the damages resulting from the Chehalis explosion are paid the State of Washington certainly can offer no attractions to capital desirous of settling within its boundaries, with the prospect of contributing pro rata into the insurance fund for payment of claims arising out of a powder-mill explosion before it entered the State to transact business. In view of all these facts, it would seem as if it were only a question of time when the State of Washington's insurance law must be radically amended or abandoned.

Germany complains that in the last year 800,000 marks were taken to Italy by injured Italian workmen, never to return, and that German workmen injured in Italy brought back to the Fatherland only what was left of themselves to become an added burden to the State. How would the German law work out in the United States regarding Italians? Not marks, but dollars — not marks by the thousand, but dollars by the million — in exchange for toes, arms, legs, and eyes—to pension the transient Italian workman at the expense of the Federal or State governments?

The English law or Simple Compensation, which, according to Mr. Hugh H. Lusk, former Premier of New Zealand, was taken almost bodily from the New Zealand statute after it had been in force in that country for five years, must next be considered.

With the changes and additions required to meet constitutional questions the English law is more adaptable to industrial conditions in the United States than any other law now in effect.

Actuary Dawson, who unquestionably has spent more time boring into the question of the various kinds of workmen's compensation laws, with more or less prejudice assails the English law because it was started on what he calls a maximum rate rather than a minimum rate as was the law of Germany. No one will question Germany's credit for

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starting at a minimum rate. Even Actuary Dawson acknowledges that after a quarter of a century the German rates have not yet reached a maximum. Employers in England generally carry their workmen's compensation insurance in stock insurance companies, and while Mr. Dawson's remarks would give the impression that the insurance companies have bled the poor, trusting English manufacturer to the last drop of his financial blood, and that the companies had feasted and grown plethoric with the great excess of financial blood unnecessarily squeezed from the innocent employer, insurance statistics and the record of companies forced into the hands of receivers, on account of underestimating the premiums required to carry the hazard of workmen's compensation, utterly fail to bear out the impressions of Mr. Dawson. He decries the great evil of commuting the amount to become due to permanently injured employees, on the ground that the payment of a lump sum rather than payment at stated intervals over a protracted period of time quickly results in the beneficiary soon squandering or badly investing his money to find himself in a short time in a position of absolute pauperism instead of maintaining an income, no matter how small, that is permament. Such a result is, of course, unfortunate, but the law that allows commutation has nothing to do with it, for annuities can be purchased and the courts that allow commutation can easily direct a way in which the lump sum should be protected. Prodigals have existed certainly since Biblical times, and no law has yet been devised by man, civil or criminal, that could absolutely obliterate prodigality.

The employer's side to this question of commutation is overlooked by Mr. Dawson; the obligation that compels all business men to conduct their affairs upon the basis of giving and taking credit, and with a large number of small manufacturers good credit is their principal asset. It is not only quite possible, but quite probable, that in the course of a few years an employer might be overwhelmed with a number of uncommuted indeterminate claims from injured employees as seriously to imperil his credit with an unknown liability existing that certainly would be remorselessly scrutinized at his bank when application was made for the necessary credit and funds to continue his business operations. Therefore, as a business necessity and for personal protection, it is obligatory upon the employer to

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clear his books and settle his accounts with injured employees at the earliest possible moment.

Speaking of the German law, the same authority asserts that the physical condition of the German workmen has been immensely improved by the operations of the workmen's compensation law, that the Germans have grown taller and stronger during the period in which this law has been in effect, and that during the same period the English have grown shorter and weaker. Is it possible that Mr. Dawson has not been informed of the improved physical condition of the German male through enforced military service?

It is also claimed by several writers that the German compensation system has brought with it peace and contentment in industrial conditions as against unrest in England, but as there were in 1907, 2,266 strikes in Germany affecting 13,092 establishments and 445,165 employees, as against 601 strikes and 100,728 strikers and locked-out employees in England for the same year, this claim cannot be allowed.*

For the State of New York or any other State in the United States the only law that seems applicable for the moment is one of simple compensation as a substitute for all other remedies except the common-law right to recover, through the civil courts, just damages for the consequences of wilful and unpardonable negligence. To make this law a compulsory one is as repugnant to the idea of the free-born American citizen as Federal ownership of the railroads; therefore, while this law should be compulsory in effect, it should be elective in fact, and each employer, while required to insure, should be given the choice of doing it in the way most adaptable to his surroundings. He should be allowed to insure in either a stock or mutual insurance company duly qualified by the State Insurance Department to do business in his State, or to put into effect within his own organization a workmen's compensation plan that should be not less beneficial to injured claimants than the law provides, or he should be allowed to carry his own insurance if he so elects. The law, however, should provide that, if an employer should elect either of the two last-mentioned plans, he be compelled to furnish either to the Insurance

* From *Bulletin Bureau of Labor*, Vol. 20, 1910. Department of Commerce and Labor.

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Department of his State or to some other department or designated officer of the State a bond sufficient in amount to cover the obligations imposed upon him by law as regards injured employees.

It has become a habit apparently of those writing about the rates charged for employers' liability and workmen's compensation insurance by stock companies to denounce the companies from start to finish and to hold them up before the public for not only robbing the employer on rates charged, but for cheating the injured workmen out of their just dues by every known means, driving him through intricate tangles of litigation until he is willing to accept little or nothing for his release. Even Professor Henry R. Seager, of Columbia University, according to the daily press, stated at a recent lecture "that under the present system there is a lot of unnecessary litigation and that fifty per cent. of the money received is expended by the employers' liability companies in efforts to keep from paying claims." Professor Seager is correct in stating that there is an unnecessary amount of litigation, but so long as shyster lawyers and ambulance-chasers are allowed to charge fifty per cent. of the amount of every recovery made through such litigation for their fee, just so long will it continue.* Professor Seager's statement that the companies spend fifty per cent. of their money to resist just payments is not borne out by the facts. Superintendent Hotchkiss of the Insurance Department of the State of New York states that, while the liability companies have made no money in the past three or four years, they have been guilty of unnecessary expense owing to the severe competition for business among themselves; that it is quite doubtful if the present Reserve Law of fifty per cent. of the premiums is sufficient, as the Insurance Department figures show that the loss ratio on completed experience is nearly, if not quite, sixty per cent. of the amount of the premiums, and he further calls attention to the extravagant rate of commission paid to those who bring the business to the companies' counters. From an

* One of the salient points of the report to Congress by the Committee on Employers' Liability and Workmen's Compensation reads as follows: "Of the $10,000,000 annually paid by the railroads of the country presumably to workmen and their beneficiaries in death and injury claims, $5,000,000, or one-half, has been stolen by personal-injury lawyers."

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absolutely authentic source the writer can vouch for the statement that the fifty per cent. referred to by Professor Seager is made up approximately as follows: ten per cent. legal expenses, ten per cent. home and branch office expenses, five per cent. pay-roll audit and inspection departments, and the balance of twenty-five per cent. to brokers placing the business.

With a workmen's compensation law restricting the fees of attorneys, thus cutting out seventy-five per cent. of the litigation, every one of the above-mentioned percentages should be scaled down materially by the liability companies themselves. Legal, home office, and miscellaneous expenses should be cut seven and one-half per cent., and with every employer carrying workmen's compensation insurance in one form or another twelve and one-half per cent. commission is fully enough to pay to brokers or agents placing the business. This twenty per cent. saving can well be used by the employer to help him to carry the additional burden of workmen's compensation insurance that provides for weekly payments whether the employer is guilty of negligence or not.

HUGH HASTINGS.

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THE FUTURE OF THE PAPACY

BY ISIDOR SINGER

THERE seems not to be the slightest doubt about the fact that all positive religions within the limits of Western civilization are, as never before, face to face with an acute crisis. But while Judaism, even in its most diluted form, has a national and racial support to lean upon in the eventuality of extreme stress; while Protestantism, in principle at least, accepts the results of modern research in science, history, and Biblical philology, thus identifying its creed and ethics with the contemporary philosophy and morals of the succeeding ages and in this way remaining a living force; while Greek orthodoxy, owing to the power of the Tsar-Pope and the stupidity of the moujik, can yet in all probability count upon a relatively long lease of life—Roman Catholicism on account of its intellectual aloofness from the spirit of the age and its dogged clinging to the obsolete dogmatism of bygone times, appears to be hovering between life and death. That the *caveant consules* should be this time uttered in the city of New York a short time after the princely reception tendered to Cardinal Farley, and uttered by a Jewish writer, will, no doubt, cause amazement and collateral feelings with the majority of readers. But if the writer may venture to refer to a previous essay, published in the REVIEW January, 1910, on "The Jews and Jesus," in which he sought to deal with the delicate subject in a truly philo-Christian spirit, he feels that fact will cause those who read that article to suspend judgment on this to its conclusion, and he invokes the good-will of his new readers to follow patiently to the end the argumentation here presented that he may not be condemned unheard.

Since the French Revolution and, intenser yet, since Darwin, Europe and America have been looking for a new God, searching the horizon for a new Gospel suiting the spiritual

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needs of the educated modern man and woman. We have still the same Bible and Prayer-book before us as our parents had when we go to church or synagogue, but we do not believe in their words as our fathers and mothers did: they have become for most of us dead letters; for priest, pastor, and rabbi texts for more or less eloquent sermons; and for the choir sacred material for elevating church music. That is all. The orthodox Jew still wraps himself in his *Talith* and intently closes his eyes to the religious skepticism surrounding the very citadels of the ancient faith. The believing Catholic yet suffers himself to be benumbed by the clouds of the Oriental incense which his priests, wrapped in the gorgeous pontifical dresses of the Hebrew-Egyptian-Persian Kohanim of old, are swinging through the lethargic air, and he fails to see that what is offered to him is not the noble democratic teaching of the Jewish carpenter son of Nazareth who came to save His people and humanity at large through the application to contemporary evils of the soul-stirring gospel of the Hebrew prophets. He is never reminded by his spiritual guides that Jesus, the Jesus of history, had not intended to accept a sweeping paternity for all the intolerant encyclicals and actions of Petri's successors, for Charlamagne's barbarous "conversion" of the Saxons, for the seven-centuries-lasting Inquisition, for the Thirty Years' War, for the hypocritical "Christian" war lords of Europe who are keeping ready millions of Christian gladiators to throw them into the bloody arena at a sign.

All of us, Jew and Gentile alike—and the enlightened Orient will soon second the motion—we are tired of the cruel blasphemy which is offered to humanity instead of that great and true Religion (and there can be only *one* religion) which has been outlined by Moses, Isaiah, Amos, and Malachi, and accepted in its entirety by Jesus, and which contains the life-bringing serum for our present and all generations to come.

And can we deny, if we study the undercurrents of our vast philanthropic institutions, our broad-minded educational and philosophical systems, that mankind unknowingly ascends toward the source which originated in the mountains of Judah, toward the misunderstood real Church Fathers of Christianity? However,

"in thus turning toward the Hebrew prophets, humanity is not

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retrograding twenty-six centuries; it is they who were twenty-six centuries in advance. Humanity was too young to read them. But they could wait without fear, sure of the eternity of their creed, and sure that humanity in its march toward the future would be forced to retrace its steps to the mountain, and pass back from Golgotha to Zion. . . .

"And on the day when the Vatican will dare the bold stroke and place in the mouth of Christ the words of these prophets of old—the new age has not yet found, either among its philosophers, its moralists, its poets, words with a magic power equal to theirs—on that day will the Catholic Church take a new lease of life, and be able to assume once more the supreme direction of human society. Although its life appears to be ebbing, the Catholic Church is still the sole organized force of the Occident, the heart whose throbs, if vivified by young blood, could make themselves felt to the ends of the earth. Even to-day, in a disabused and hostile society, the moment a word of good-will emanates from this central seat of authority, a thrill of filial expectation passes through the whole civilized world—Catholic, Protestant, and infidel. Since there is no longer a Pope-King, the Papacy, stripped and become in a more striking degree the ideal and immaterial center, the intangible Rome of the great Catholic empire, seems to feel that humanity expects an arbiter in the struggle of nations and classes. The necessary revolution which would change the spirit of Christianity would also restore to the civilized world a center, an arbiter, a guide; would make of the Catholic Church a living force again. It may be that a disastrous schism is necessary to bring this about: perhaps the genius of a Monk Hildebrand will suffice. . . .

"Christianity has received its formulas from the Hebrew prophets, but it has dissipated them into metaphors. Will it be able to recover their meaning? Thou art come to fulfil the prophets: fulfil them. . . .

"If the Catholic Church misses its opportunity; if, in the name of an immutability which is simply a fiction of dogma contradicted by its history from the very beginning, it opposes the summons of the future with a *Non possumus,* the necessary work will be done otherwise, and with greater difficulty. The gain which the spirit of the future could extract from this admirable instrument of unity and of propaganda will be lost for the world, and the scientific sect will be called upon to assume sole charge of the world."

And who is the man addressing this fervent appeal to Rome again to assume the supreme spiritual government of the world? Is he a pious modernist of the *Nuova Italia?* Is he an ultra-conservative member of the Church of England yearning for the re-establishment of Christian unity? No. He who has penned these lines was a Jew, an Alsatian Jew, the son of an orthodox Jewish father and of a pious Jewish mother. In one word, James Darmesteter (1849-1894), the famous French Orientalist, pupil, and friend of and successor to Ernest Renan in his chair at the Collège de France.

How many Catholics are familiar with these splendid

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words just quoted, which are part of the magnificent Introduction to Darmesteter's *Les Prophètes d'Israël?* Each and every one of them, however, will, I am sure, be thankful to me for calling the attention not only of the American Catholic world, but of the entire religious commonwealth of this continent, to the passionate cry for spiritual help addressed to the Papacy by one of the deepest thinkers of the nineteenth century, a man who has gone to the very rock bottom of the religious thought of mankind and who even had the moral courage to forget the cruel treatment to which, with very sporadic relaxations, the Catholic Church had submitted his brethren for fully fifteen centuries, thinking only of the general spiritual welfare of humanity at large. A monk Hildebrand in the twentieth century? And why not?

More than one critic within and without the Catholic Church, here as well as in Europe, makes Pius X. personally responsible for the growth of Modernism in Italy and the gradual decay of the influence of Catholicism in its ancient strongholds, France, Spain, Portugal, and quite recently in Belgium and Bavaria, where the anti-Christian Socialists routed the clerical parties. Whether they be right or wrong in their accusation, so much is sure, viewed from the standpoint of the philosopher of history: the present occupant of the Vatican has made ample atonement for possible errors in the past by preparing the transfer of the center of gravitation of the Roman Catholic Church from the Old to the New World. And because the American people, and above all its Catholic element, has instinctively grasped this to be the real significance of the simultaneous elevation to the cardinalate of three church dignitaries of the United States, Cardinals Farley and O'Connell have been received with royal honors by their own co-religionists and respectfully welcomed by the entire cosmopolitan population of the American metropolis and the capital of New England. Pius X. has, then, with constructive statesmanship, continued and crowned the policy of Leo XIII. with regard to the so-called "American danger" (Encyclical of January 22, 1899).

Now the great and paramount question is this: will the Roman Catholic Church have the firmness to face the religious situation of the present age with the unique purpose of remedying the evil at whatever cost? Is it really true that the Papacy even of the twentieth century can breathe freely in the atmosphere of the Middle Ages only, being

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unable to adapt itself to the climate of modern times? Or, will Pius X. and his advisers have the courage to go back, as the scholar Darmesteter advises them, to the source of the Gospel, to the sublime message of the great teachers of Jesus?

The time has come when Church and Synagogue have clearly and definitely to distinguish between theology and religion, between man-made dogma, ceremony, and tradition, on the one hand, and divine faith, deep and genuine love of suffering humanity, scientific insight into the mechanism of the universe on the other. The Catholic, Protestant, and Jewish clergy—they all wail over the indifference of their flocks and cover their faces not to see the growing devastation in the vineyards of the Lord. But they, and they alone, are responsible for the misdeeds of the religious phylloxera.

When Pius X. became Pope one of his old friends, a rich Jew from Venice, went to Rome and had a long audience with him. The Pope asked for news of all his friends, and when he heard that a certain priest was seriously ill he asked the Jew to give him his blessing when he returned to Venice. The Jew was taken back at the Pope's request, and he hinted that, not being a Christian, he was not a fit person to convey the apostolic blessing.

"You need not worry about that," the Pope said, "it does not matter in the least, provided the goods are all right, whether the wrapper is bad." "You are merely the wrapper," he added, smiling, and the Jew conveyed the apostolic blessing to the dying priest.

Has Pius X. the intention of applying the principle underlying this anecdote to his general religious policy? Have the three American Cardinals and the one hundred Catholic Archbishops and Bishops of the United States the ambition to be instrumental in the elaboration, with the Prophetic Gospel as foundation, of a common religion for entire mankind, or will they and their European colleagues suffer to be impassive witnesses of the downward march of the Christian religion? All of us know, or ought to know by this time, that everything which ceases to grow gradually decays and dies off finally. There was a time when there was no Judaism, no Christianity, no Mohammedanism, and there will, no doubt, come a time when these three religious systems, at least in their present shapes, will be part of the history of

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the religious evolution of mankind, unless their leaders and followers adapt the eternal truths they contain to the changing exigencies of the succeeding ages.

It is hard for a fervent Jew to think of the day when the last synagogue will have to close its doors; it must be still more painful, one would suppose, for a pious Roman Catholic to think of the possibility of a last conclave. But has he ever given serious thought to the curve of evolution which leads up from Linus (cir. 64—76 A.D.), the semi-legendary first bishop of Rome—*i. e.*, the insignificant presbyter of a tiny Christian congregation recruited among the lowest classes of the metropolis of the world—to Gregory VII. and Innocent III., the mighty rulers of all the kings and nations of the earth, and has he studied the curve leading down again to Leo XIII. and the present Pope, lifelong prisoners of the Vatican?

Why should we close our eyes to reality, harsh as it may seem? Is it true or is it not that the Papacy has been deprived of the slightest vestige of temporal power by a Catholic nation, and that not one of the other great Catholic powers has raised a finger since 1870 to reinstate the "king of kings" of yore to one single acre of their former dominions? It is not the writer's purpose to plead a restitution of the temporal power of the Popes, sharing Darmesteter's view as to the greater potency of spiritual dominion. But unless some young and strenuous American Cardinal seizes in the near future the reins of the government of the Roman Catholic Church, Linus II., the last Pope, will share his exile with the last royal prince of the European continent.

And at that crucial point in mankind's spiritual development Darmesteter's prophecy of science's taking the place of religion may prove true. As the Gnostics of the first and second centuries had prepared the way for Christianity's becoming the heir to the Orientalized Greco-Roman civilization, in an analogous way the Agnostics of the eighteenth and nineteenth centuries, brothers of the old Gnostics, in spite of their negative eponym, may unwittingly have laid the foundation to some form of philosophical faith to which our distant descendants will cling with the same fervor as our ancestors have clung to the tenets of Pentateuch, Gospel, and Koran.

This is not only the view of the infidel and of the progressive Jew, but also of the liberal wing of Protestantism.

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Witness the great German historian of the Rome of the Middle Ages, Ferdinand Gregorovius (1821-1891), whom certainly nobody will accuse of prejudice against the Papacy, to whose glorious past he devotes, in the Introduction to his *Tombs of the Popes,* a stirring panegyric whose sublime eloquence and pregnancy equals, if it does not surpass, the pathetic appeal to the Vatican, to lead or to die, by the Jew Darmesteter. But while the latter wishes to make of Petri's Chair a living force again, Gregorovious contents himself with writing a splendid epitaph on the graves of the Vicars of Christ:

"There will be no longer any Popes. Religion will have expressed itself in a new form, a form as yet unknown to us; and to mankind under the new dispensation the long line of the historic Papacy will, beyond all doubt, appear a far more marvelous creation than to us who behold it in close perspective. Men will marvel at these graybeards of St. Peter's as wondrous beings of the past. Some of their monuments will have withstood the onslaughts of time, and before these old men in their stern majesty of dominion—crowned with the triple tiara and clad in stately, flowing robes, with long beards and countenances mild or forbidding, attractive or fanatical, and hands raised on high to bless men or to curse—men will pause in astonishment and exclaim: 'These were the Popes, spiritual overlords of the world of their day! How senile and gloomy must that world have been!'"

After setting forth, in glowing terms, the almost divine power of the great Popes of the Middle Ages, the German historian sums up the pathological cause of the downward march of the stupendous Papal institution which had not and probably will never have again its equal in the evolution of mankind.

"They [the Popes] set limits to the development of human thought, or permitted progress as to them seemed good. Knowledge they measured out with sparing hand, and freedom yet more grudgingly—thwarting the intellect's rapid expansion by the artificial barriers of a poetic mystery, by playing upon the love and fear of man. With these three chains they girt mankind and brought them to kiss their rod of chastisement.

"They were masters of the world's conscience. Their power, incorporal and weaponless, rested solely upon belief and superstition.

"What was the origin of this enigmatic power of a group of weak and old men, most of them of humble origin, many mounting the throne of the earth in the cowl of the beggar or the hermit?

"*It is rooted in Monotheism* and in the Christian theocracy, which has conceived of mankind as one single Christian republic. In its central point the Pope has placed himself. The nations of Christendom have recognized and honored him as the Salvation-bearing Father of mankind, as *Head of the Church Universal, which shall gather all races and all*

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peoples into one family of God. But the Papacy's mighty mission seems now to be fulfilled. Its power has long fallen to decay. The old ideal of a Catholic world-policy received its death-blow at the Reformation, and the Papacy, deprived of its political basis also amid the catastrophes of the present age, preserves but the ruins of its former greatness." . . .

Pius X. and his College of Cardinals and their immediate successors have and will have it in their power to decide whether posterity will intone the Protestant Gregorovius's *Requiescat in pace* or the Jew Darmesteter's *Resurrexit.*

If they can make up their minds to pray and to make humanity pray to the Father to whom Jesus and the Apostles and the Christians of the first two centuries prayed, brushing aside the outworn dogmatic structures of the theologians from the first Council of Nicæa (325), where the pagan Pontifex Maximus Constantin dared play a miserable comedy with the 318 bishops and 1,200 prelates, to the last Council of the Vatican (1870), which marked the final downfall of episcopal power and at the same time was a challenge to the modern spirit of the age, then there is hope that the day will come when Jew and Gentile and Mohammedan, and even the "heathen" of the Chinese republic, of Japan, and of India, will join in the only dogma which Jesus and His apostles took over from their ancestral faith: "Hear, O Israel, the Lord our God is one God."

ISIDOR SINGER.

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ASPECTS OF PUBLIC OWNERSHIP

BY SYDNEY BROOKS

VI.

In the last article it was shown, by specific reference to the backwardness of telephone development in Europe under State control as compared with its unrivaled progress in the United States under private direction, that Public Ownership is apt to stifle initiative and hinder technical improvement, and that, under the plea of safeguarding the public interests, it sometimes operates in fact to deprive the public of a much-needed utility or to furnish it in an exasperatingly inadequate form. It was shown, too, that the advantages inherent in corporate management are so great that no public authority, influenced, as every public authority must be, by considerations that have nothing to do with sound commercial policy, can hope to compete with it on anything like equal terms; and it was further established that, whatever may be said for or against the public ownership and operation of enterprises that are natural monopolies and assured successes, and that have reached something approaching technical finality, the State is singularly unfitted to conduct a competitive undertaking which is still in the experimental stage.

These are conclusions that may easily be reinforced by examples drawn from governmental and municipal dealings with other industries. There cannot, for instance, be much doubt that the policy pursued in Great Britain in regard to street-cars and tramways has done much to retard the growth of urban, and especially of interurban, transportation. The Tramway Act of 1870 allowed private corporations to obtain street-car franchises for twenty-one years on condition that the local authority had (1) the right of vetoing any scheme in its district and (2) the right of purchasing the undertaking at the end of the twenty-one years

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at its mere structural value. At that time, while it was recognized as legitimate that municipalities might desire to construct and own street-car services of their own, it was not anticipated that they would want to operate them. Up to about 1896 the general rule was that local authorities were not permitted to work their systems unless they had failed to find a lessee; and it is a curious fact that municipal operation of this particular utility has crept into the British economic structure by a side wind and without any general Parliamentary discussion of its pros and cons. Once the principle was accepted, however, the attitude of the local authorities toward the corporations insensibly changed from that of supervisors or lessors to that of expectant heirs and competitors; franchises ceased to be renewed; restrictions multiplied; and there was initiated a more or less deliberate and not wholly scrupulous campaign with a view to depreciating the value of the companies' undertakings against the day of their expropriation by the municipality. About the time, moreover, when a large number of street-car franchises were expiring—that is to say, in the early nineties—electric traction was found to be a commercial possibility; and the companies, faced with the certainty of being bought out by the local authorities at the bare working value of their plant and with no compensation for good-will, were able neither to adopt the new system nor extend and develop their existing services. In his volume on *The Dangers of Municipal Trading,* Mr. Robert P. Porter has justly remarked that "the unhappy effect of the limited tenure arrangement was to force tramway undertakings into a premature condition of senile decay." Their transfer to the municipalities was hailed by the public with relief as the only visible means of escape from conditions that had become intolerable. To-day in the United Kingdom the local authorities own and operate some 1,600 miles of track, and the companies over 1,100. Roughly speaking, it is found that the municipalities charge a slightly lower fare than the companies and work their undertakings at a slightly higher ratio of expenses to income and that their contributions in relief of the rates amount to over $1,500,000 a year. But these results have to be construed, among other things, in the light of the fact that in general all the most profitable areas are in possession of the municipalities, while private enterprise has been restricted to the more speculative and

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precarious districts. There is nothing to show that corporate management, controlled but not trammeled in the public interests, would not have resulted both in a far more extensive system and in a considerably greater return to the local treasuries; while the failure of municipal ownership to grapple with the problems of suburban, and especially of interurban, communications has been palpable and profound. The jealousies of neighboring authorities that can rarely be induced to co-operate except for the sake of obstructing and blackmailing a corporation that wishes to run its street-car service through areas controlled by more than one municipality; the fear of reducing the ratable value of a city by offering its citizens facilities for living outside the municipal boundaries; and an intense reluctance to benefit the owners of real estate by laying a track in sparsely settled districts—these influences and many others have prevented the building up of any comprehensive system of interurban connections, have helped to perpetuate the congestion of the towns, and have resulted in the city population of the United Kingdom being furnished with less than one-quarter of the street-car facilities that have been brought to the urban population of the United States by private enterprise operating under liberal charters.

There is a very similar tale to record in connection with the electric-lighting industry. The British municipalities, being already for the most part the owners and operators of the local gas-works, dreaded the competition of the new illuminant and did all that they could to restrain its growth. Their efforts were seconded by the short-sightedness of Parliament, which in 1882 not only decreed that no electric-lighting company could establish itself in any locality without the sanction of the municipality, but also fixed twenty-one years as the maximum period for which a concession might be granted. The local authorities, moreover, were empowered, if they chose, to build and operate electric-lighting plants of their own, and each concession obtained by a private company included a severe expropriation clause. Under these conditions the industry could make no headway; it was practically strangled at its birth. Capital would not embark on an enterprise the hazards of which had been enormously and gratuitously multiplied by the action of the State, and at the end of 1888 in the whole of the United Kingdom there were only 12 central electric stations in

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operation as against 574 in the United States. It was not until an Act was passed raising the life of an electric-lighting concession from twenty-one to forty-two years that the industry began to revive. Even then it continued to be hampered by legislative discrimination in favor of the municipalities and by the action of the local authorities either in insisting on unnecessarily onerous terms being attached to a franchise or in securing a concession themselves and then allowing it to lie dormant—that is to say, neither starting an electric-lighting station as a municipal undertaking nor permitting private enterprise to do so. As with the street-cars, so with the electric supply, a niggling parochialism has frustrated the developments demanded by the public interests. It was only very gradually realized that electricity was a source not only of light, but of power, and that the future of the industry lies less in lighting streets and houses than in furnishing energy and motive power to innumerable other industries. The electric station of to-morrow will be a huge plant dealing not with hundreds or thousands, but with millions of consumers and supplying cheap motive power in bulk over areas that will be reckoned in thousands of square miles. But directly Parliamentary authority is sought for establishing any such station, all the municipalities and vestries and borough councils affected combine in resisting it, and in many cases successfully. These local bodies, being restricted to their own areas, cannot produce electric energy as cheaply as an outside concern, working on a vaster scale and knowing no artificial boundaries; jealousy prevents them from co-operating in an attempt to start on their own account a plant of the scope called for by modern industrial conditions; but what they can do and do do is to oppose, under the plea of fighting against a monopoly, the efforts of private enterprise to fill this great and disastrous void in Great Britain's industrial economy. It has been calculated that if it were equipped in the same ratio as the United States the United Kingdom would possess three times as many central electric stations as actually exist; and when to this is added its backwardness in the development of electric traction and telephones, and consequently in the manufacture of electrical machinery and apparatus and in the application of cheap electric current to industrial processes, it must be admitted that as a factor both in depressing the average of competitive capacity

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and in increasing the volume of unemployment the price of public ownership comes high.

I pass to another and even more conspicuous instance of the State's irruption into the field of trade. Of the leading industrial countries Great Britain and the United States are the only ones in which the railroads have not been wholly or partially nationalized. The material, therefore, is ample for forming an opinion on the results of governmental control of this vital utility. M. Marcel Peschaud, for example, a few years ago made a masterly and exhaustive analysis of the workings of the State railways in Belgium—a country which, being flat, compact, densely populated, and in a high state of industrial and agricultural development, ought to possess one of the finest railway systems in the world. M. Peschaud found that State management had brought with it excessive centralization and red tape, an abnormally large and ill-disciplined staff whose salaries accounted for sixty per cent. of the total expenditure, and a lack both of initiative and responsibility among the heads of the various departments. In rolling-stock, train services, station-building, and the study of the convenience of travelers the Belgian State system, being virtually free from the pressure of competition, is far behind the British railways. Rates are fixed by the arbitrary will of the administration, with little or no consultation with the traders, and on a principle of uniformity that makes adjustment to particular conditions and requirements impossible. This is a feature of State railroad policy that recurs wherever nationalization is in force; and its importance can hardly be exaggerated. The essence of sound and progressive administration in the matter of rates is flexibility. The State, however, is more or less bound to hold that its Railway Department, like its Post-Office Department, should treat all customers alike, should make no exceptions to meet the needs of this or that locality or interest, and should draw up its tariff schedule on a stereotyped mathematical basis. I do not believe there is a railway economist or administrator anywhere who would not declare this principle to be fundamentally fallacious and who would not hold that special rates, fixed by special agreements between the trader and the railroad, are the life-blood of commercial mobility and traffic development. In Germany, where every ton of goods, of whatever character, was originally made to pay a rate composed of a fixed charge

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for terminals and an equal charge per mile, even the power of the most bureaucratic State in Europe was unable to hold out against the outcry that burst from the traders or to ignore the industrial stagnation that followed its attempt to treat railroad rates as a simple sum in arithmetic. It remains, however, the fact that wherever nationalization obtains commerce is compressed into rigid schedules and that only those railroads that are administered by private companies and under the spur of competition display the elasticity that can alone satisfy the infinitely varied and complex requirements of modern trade.

In two other ways traders appear to be considerably worse off when the State owns and operates the railroads. In the first place, they are not provided with such rapid and dependable transport as is furnished by private enterprise in Great Britain and in a somewhat smaller degree in the United States; and in the second place, they are unable to obtain such prompt and adequate compensation for lost, damaged, or delayed goods. Many State-managed railways refuse to admit any responsibility whatever for delayed merchandise, and on others responsibility only begins after a fixed and spacious interval; while in the matter of all claims for damages the State stands immovably on the bare letter of the law and exhausts all the resources of procedure before indemnifying its clients. It is commonly said that, under a system of nationalization, the profits derived from the railroads are returned in one form or another to the community instead of finding their way into the pockets of private individuals. But these profits are found in practice to be either inconsiderable, as in Belgium, where they have been almost eaten up by a prodigious enhancement of the ratio of expenditure to receipts, or else, as in Germany, they are only obtained at the cost of the efficiency of the service. That nationalization of the railways leads to their more economical working seems to be everywhere a delusion. In Belgium on the lines worked by private companies the proportion of expenditure to receipts is forty-five per cent., while on the State-owned lines it is sixty-two per cent.; and in Germany, where the railroads are regarded as the milch-cow of the treasury and where their nationalization was effected mainly in order to secure a large source of income independently of Parliamentary votes, the profits are maintained by limiting capital expenditure on improvements and

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extensions and by cutting down rolling-stock with a severity that no British company would tolerate or even contemplate. It is said, again, that the position of the employees is much better under State than under corporation management of the railways. That is sometimes, but by no means always or even usually, the case. The State-owned railways of Belgium, for instance, do not allow their employees to form labor unions or to go out on strike; nor do they provide them with anything like the privileges and supplementary benefits furnished by the British companies as a matter both of generosity and of justice. They deal far more grudgingly and unsympathetically with questions of compensation for accident, and the free and open field for promotion by merit and as the reward for individual character and ability is virtually closed by the routine methods of all Government service. Its place, however, is not left empty; it is occupied, and occupied disastrously, by the influence of politics. In England and America the career is thrown fully open to talent; it depends mainly on himself alone whether the humblest porter does or does not rise to the top. But in Belgium—and Belgium in this respect is by no means unique—advancement in the State railways is often determined by political "pull," and the whole administration of the roads and the whole course of railway policy are saturated with politics. The employees, who are also electors, bombard the deputies with their grievances and their demands for higher wages and shorter hours, and the time of Parliament is frittered away in debates on the details of railroad management. Neither the legislature nor the railways gain by this intermingling of politics and business. Parliament prejudices the efficiency of the railways; the railways partly debauch and partly terrorize Parliament. More or less this is the experience of all countries that have experimented with nationalization. Even in Germany, admirably administered as are all its State departments, political pressure powerfully and always detrimentally affects the details of railway management. Even in India, where the Government has an unusually free hand, the conviction has steadily grown that new and vigorous life can only be introduced into the State-owned railways by a root-and-branch reform involving the gradual and eventually the complete abandonment of official administration, and that State operation has resulted not only in an inefficient, expensive, and unenter-

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prising system, but also in checking the flow of capital into the country. The presumption is established that if a line would pay the Government would build it, and that therefore only the less remunerative enterprises are left over for companies and private investors. In this way the attention of capitalists is withdrawn from India and directed to other lands where the shadow of Government ownership has not yet fallen. Both Australia and New Zealand have suffered from the same causes. The disadvantages of railway nationalization are thus both direct and indirect. They do not merely consist in too rigid rates, inadequate service, and the variegated and unhealthy reaction of politics upon purely commercial or purely administrative problems; they also include the retardation of national development by a progressive restriction of the zone of private enterprise.

Here, indeed, we touch on one of the gravest disadvantages of public ownership. Directive ability, as all modern economists, even the Socialists themselves, now agree is a vital element of industrial productivity; and anything that diminishes the available supply of inventive capacity, energy, initiative, and ingenuity, or that diverts it from the industrial field, lessens to that extent the national wealth and output. But we have seen that the bureaucratic control of commercial undertakings is unfavorable to the higher kinds of managerial capacity. No Government, no municipality in the world, has yet solved the problem of attracting to its service the ablest men, or of testing their competence in the conduct of business enterprises, or of furnishing them with a stimulus that automatically extracts from them the best of which they are capable, or of eradicating politics from the workings of officialdom. These are difficulties that are overcome day by day and almost unconsciously by the normal union of promoter, capitalist, and manager. Whatever may be said against it, this combination does at least offer higher and more tempting rewards than any form of governmental employment; it exerts a more salutary influence on character; it brings to the front men whose abilities have been thoroughly appraised in the school of experience; it corresponds to that prime factor of all progress—the very human longing for gain and distinction; it makes, therefore, for the maximum of productivity, and consequently of employment and wealth. Public ownership, on the other hand, tending more and more to split up all industry into a series of

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local or national monopolies, wastefully and inefficiently operated, tends also to divert the savings of the community —that is to say, its capital—into narrower and less fruitful channels. Undoubtedly, however, it brings an immediate pecuniary benefit to its employees, whatever may be its ultimate effect on the whole body of labor. If the higher grades of State and municipal officials are invariably worse paid than men employed in corresponding positions by private firms and corporations, the lower ranks are as invariably better paid. Public ownership creates, as it were, an aristocracy of labor, enjoying shorter hours, higher wages, and in many respects a more assured position than men in private employment. The discipline under which they work is slacker, their pay is more independent of the value of their labor, and they are able to bring to bear upon their employer a more constant and potent pressure than is the case in an ordinary industry—the nature of that pressure consisting in the fact that they are not only employees of the State or municipality, but also help to elect or defeat their employers at the polling booth. The position of a State or municipal workman is thus on the surface superior to and more attractive than that of the ordinary employee in a private firm. But is that an argument that justifies a general resort to public ownership? I do not see how it can be so used unless one accepts the extreme contention of the Socialists that all the instruments of production, distribution, and exchange should be taken over by the community. No reason, that is to say, can be adduced in favor of paying the employees in, for instance, the municipal gas-works a rate of wages above the current standard of the industry and locality that would not warrant the municipalization of all industries. If public ownership is to be defended because it improves the condition of its employees, and if that defense is held to be valid and sufficient, the logical conclusion is that the more of public ownership the better, and that the employment of labor should become a State monopoly. But it can, I think, be shown that the creation of a specially privileged class of workmen under the auspices of the national or local authorities is neither economically sound nor morally and politically healthful. It must be remembered in this connection that so far as public contracts and the conduct of public utilities are concerned, it is both easy and habitual for the State or the

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municipality to stipulate that private concession-holders and corporations should pay their employees a fair rate of wages and should observe all the statutory regulations in regard to their health and hours of labor. It must also be remembered that industrial legislation and the legitimate action of the trade-unions have greatly restricted the field in which a municipality can set what is called "a good example" in the treatment of its workmen. Under a properly supervised system of private enterprise, there is nowadays no danger at all of the rights of labor being disregarded; while such further reforms in industrial conditions as experience may show to be necessary can be far more effectively brought about by legislation that would enforce them on all employers than by the voluntary and spasmodic action of separate municipalities. A good example is unproductive so long as it is not followed, and I have never yet heard of a case in which the more favorable conditions of public employment had any influence on the terms of private employment. So far as the great body of labor is concerned, it cannot be said that the higher wages and shorter hours that obtain in State and municipal enterprises—and that are only possible because these enterprises are for the most part monopolies—have resulted in any benefit at all.

On the other hand, it can, I think, be established that the preferential treatment of an arbitrarily selected set of workmen is a positive, if indirect, disadvantage to their fellow-laborers and cannot be defended on any principle either of abstract justice or of sound economics. Reasons have already been given for thinking that public ownership and operation of the main utilities is more expensive than private ownership and operation, that it adds to the burden of local taxation, that it is far less productive of efficient services, and that it impedes the free circulation of capital. Unquestionably the swollen pay-rolls that characterize all official undertakings are one of the chief causes of their uneconomical working. But somebody has to pay for it, and without entering on the labyrinthine problems of the incidence of taxation it is a reasonable assumption that in one form or another the poor have to bear their share, and usually, I think, more than their proper share. Thus not only do the mass of working-men suffer through being deprived of those public facilities which private enterprise has been shown to furnish more abundantly than any State or any

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municipality; not only do they suffer through the curtailment of capitalistic initiative and the consequent contraction of the labor-market, but they are also taxed either as rate-payers or in their rents or as consumers for the benefit of a comparatively small and highly favored body of their fellow-workmen. An impost is, in fact, levied on the whole community and then distributed in the form of wages among the municipal employees; and whether the impost takes the form of additional taxation or of an increase in the cost of the services supplied does not, of course, affect the essential injustice of the proceeding. So long as it is agreed that you cannot raise wages, reduce hours, relax discipline, and recruit more laborers than the work requires without at the same time increasing the cost of production, the conclusion can hardly be avoided that the favorable treatment in these respects of State or municipal employees really represents a bonus paid out to them from the public funds at the common expense. It is, in effect, the old fallacy of a special grant in aid of wages reappearing in somewhat disguised form and restricted to a particular class. And when one reflects that the amount of this special grant—the difference, that is to say, between the pay of the municipal and of the privately employed workman—is regulated by no principle whatever, bears no relation to the value of the work performed, is intertwined with many extraneous considerations, of charity and politics, for instance, that have nothing whatever to do with business efficiency, and is very largely conditioned by the degree of illicit pressure that workmen in the service of public authorities are able to exert on their employers, one feels little hesitation in declaring that the discrimination shown in the treatment of the employees is a fact that tells against and not in favor of public ownership.

The nature of this "illicit pressure" brings us directly to a consideration of the action and reaction of State trading upon political well-being. Does public ownership increase or diminish the chances of corruption? Does it favor or does it impede those illegitimate influences that are always more or less on the lookout for opportunities to permeate local and national administration? This is a question which in Great Britain and in the United States is answered in two contradictory senses. A large body of British opinion opposes the policy of public ownership because it multiplies the possibilities of corruption; a large body of American opinion

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supports it because it promises to lessen them. This flat divergency is interesting if only because it shows how little we know at present of the workings of public ownership as a whole and because it emphasizes the folly of drawing universal conclusions from particular instances. Great Britain, one must remember, is a country where a high and in many ways a unique standard of civic probity has been evolved, where the tradition of unpaid public service is still a potent, though undoubtedly a diminishing, influence, and where the national good sense has recognized the necessity of an army of permanent and well-paid officials to carry on the work of State and municipal administration. It is, therefore, a country in which an extension of governmental functions is least likely to lead to undesirable results. Nor can it be said even by the most ardent opponent of municipal trading that its introduction has so far seriously impaired either the tone or the conduct of local government. That it has contributed nothing to their elevation is, I think, indisputable; that here and there it can be shown to have worked positive harm is also, in my judgment, nothing less than the truth; but that there can at present be laid to its charge any clear falling-off in the character or efficiency of the British municipalities as a whole is a proposition that the available evidence does not support. Certain phenomena have, however, already arisen in connection with the rapid expansion of local activities during the past three decades, and certain symptoms and tendencies have disclosed themselves, that justify many and grave apprehensions for the future.

Signs, for instance, are not wanting that the gradual decline in the personnel of the ordinary City Council in Great Britain, if it was not caused by, has been considerably hastened by, the plunge into public ownership. Every extension of the duties undertaken by the local authorities means that they have so much the less time to devote to their primary functions of civic administration and that additional labor, often of the most complex and exacting character, is thrown upon the shoulders of the elected representatives. The busy and prosperous merchant or professional man, whose sagacity and independence are essential to the proper discharge of municipal responsibilities, grows less and less willing to place his leisure and experience at the service of the community when the work expected of him

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is such as might well monopolize his whole time and attention. The consequence is that a less efficient and less disinterested type of candidate is forthcoming in his place, that the composition of the local administrative bodies is liable to wide fluctuations, that the average of business capacity is lowered, and that power is more and more deflected into the hands of the permanent officials. Again, with every step that is taken to enlarge the area of municipal trading, the local authority adds to the risk of finding itself engaged in " the politics of labor " and exposed to disputes with or capture by the trade-unions. The greater the number of rate-paid employees, the greater also is the danger that the conditions of their employment will be made issues at the elections and that candidates will be voted for or against according as they promise or decline to support the demand for higher pay or shorter hours. In practically all the British municipalities the employees are an organized body; whoever else may forget to vote, they never forget; and cases have frequently occurred of their issuing a collective appeal to their fellow-electors to join with them in choosing or unseating specified candidates solely because they were in favor or opposed to the special interests of the employees. Nothing could well be more demoralizing than conditions under which on the one side the vote is regarded mainly as an instrument of personal advantage and on the other weak-kneed candidates are intimidated and conscientious candidates repelled by the electioneering pressure of the municipality's own servants. The best men will not willingly enter civic life under such conditions, and if once the leading men of the neighborhood acquire a distaste for municipal service British local government must infallibly decline. That stage has not yet been reached, but no one can deny that it is appreciably nearer than it was in the days when a municipality was an agency not of trade, but of administration, when elections were determined on local and not on national lines, and when it was out of the power of municipal employees to decide the fate of candidates. Everybody who has any inside knowledge of British politics is aware that the incessant and unwholesome pressure of organized bodies of public servants, especially of those employed in the post-office, upon members of Parliament is a growing and noxious evil. The same evil has established itself in British municipal life, and it seems likely

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to increase, with all its accompaniments of administrative extravagance and electoral degradation and its openings for political jobbery, until either the employees rule the council and all local government is conducted primarily in their interests, or until a law is passed disfranchising all State and municipal servants, or grouping them into a special body with special representation both in Parliament and in the City Council. Moreover, as Mr. Robert P. Porter has well insisted, the power of the municipal officials and employees has extended far beyond the boundaries of each separate local authority and is now organized and directed on a national scale. The vast majority of the men in the service of the British municipalities—over two million in number—are banded together in an association that is virtually a trade-union and that like a trade-union naturally seeks first of all to promote the interests of its members. As these interests are held to lie in a continuous and unlimited expansion of municipal enterprise, the efforts of private corporations to obtain Parliamentary sanction for their undertakings are confronted with a very formidable obstacle. The Association of Municipal Corporations, says Mr. Porter, "is a bureaucratic ring so strongly organized in self-defense that it whips the member for a Scotch borough to vote against an electric-power scheme for Ireland. No private scheme which touches, even remotely, the objects of modern municipalism is permitted to go through a Parliamentary Committee without being strenuously opposed, clause by clause, by the municipalities *en masse* represented by the counsel of the Municipal Corporations Association. . . . The tender solicitude with which it watches all legislation affecting municipal trading, and the skill with which it can concentrate its forces at short notice in aid of legislation favoring municipal trading and to defeat obnoxious measures, gives some idea of the cohesive power of self-interest—a self-interest which is dangerous enough when exerted from the outside in large combinations of capital, but which is far more disastrous to sound government when exercised from within by a strongly welded organization of ambitious officials determined on extending their influence."

This is a development that need not, I imagine, be greatly apprehended in the case of the United States. If municipal trading were to expand in America with the same rapidity that it has expanded in Great Britain, it might, no doubt,

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be possible for an association of municipal officials and employees to make its influence powerfully felt in a State Legislature in opposition to schemes promoted by private corporations; but the capture of the national Legislature would always, owing to the Federal character of the American policy and the absence of a strongly centralized government, be beyond its scope. With this exception, however, almost all the conditions that make the policy of public ownership a fertile soil of political corruption exist in America in a highly intensified form, and almost all the conditions that might mitigate its harmful effects are conspicuously wanting. Speaking broadly, it is, I believe, the fact that men of the best type and of the highest business competence are rarely to be found on American City Councils, and that the claims of public service fail on the whole to enlist the most efficient and upright elements in the community. It is also, so far as my observation goes, the fact that in America local elections are almost invariably fought out on the same rigidly partisan lines as State or Presidential elections, that the victorious party holds itself entitled to the spoils of office, that the controlling power in civic affairs is frequently neither the Mayor nor the Council, but a political Boss, that the principal tradition of American local government is a tradition of corruption, and that the number of permanent municipal officials is very small, while the number of officials elected for short terms, inadequately paid and with little real security of tenure, is inordinately large. These are precisely the circumstances most certain to bring out the worst side of public ownership and to condemn municipal enterprise to a perpetual round of extravagance, inefficiency, and political debauchery. It is claimed, however, that the corruption resulting from the control of the chief public utilities by private corporations is so great that municipal ownership, whatever its drawbacks, could hardly help being an improvement. I confess to some difficulty in following that argument, particularly when it is coupled with an acknowledgment that public ownership in the United States, to be given even a reasonably fair chance, ought to be preceded by a drastic measure of civil-service reform. Such a line of reasoning strikes a foreigner as but too consonant with the American habit of relying upon mechanical expedients for the correction of moral evils—a habit that has overloaded the statute-book of almost every

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State in the Union with unenforceable laws and has induced Americans to believe that everything will come right if only such and such a device is adopted and such and such a change in the accessories and accidentals of government effected. The corruption of municipal administration in the United States is not caused by private corporations and will not be cured by public ownership. It lies infinitely deeper than either system can ever reach. I do not mean that on the hunt for public-utility franchises and in their subsequent administration many grave scandals have not occurred. They assuredly have. But in the first place there are many tokens that that particular phase of municipal corruption is nearing its end and that the very enormity of the abuses that flourished under it has tended to work out its own cure. In the second place, Americans of late years have turned their attention with increasing success not to the abolition of private enterprise, but to its regulation, and in the establishment of Public Service Commissions for safeguarding the interests of the public, while allowing capital a rational freedom and security, have made one of the most valuable and original contributions to modern political science. And in the third place, when it is a question of the amount of corruption that is likely to ensue from private enterprise and from public ownership, respectively, it is extremely pertinent to bear in mind that, while the bad effects of municipal trading on political conduct and atmosphere rarely take any very sensational or very personal forms and are therefore less dramatically interesting, they are also more insidious and cumulative in their operation and may insensibly end in debauching an entire community where corporations merely debauched their scores or hundreds. Against the advantages of public ownership there must, at any rate, be set this supreme disadvantage: that it has within it the potentiality of becoming one of the most formidable instruments of political demoralization that has been fashioned in our times.

SYDNEY BROOKS.

[THE END]

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THE LESSON FROM LAWRENCE

BY W. JETT LAUCK

MUCH has been said and written about the labor disturbances at Lawrence. The fundamental significance of the situation there has yet to be explained. The conditions in this textile-manufacturing center, serious as they have been, have more than a local import, and if the American people are wise they will devise measures of general relief for the industrial conditions of which the ebullition at Lawrence is typical.

It has been pointed out with emphasis, and it cannot be denied, that the woolen and worsted mill owners have been guilty of sham and hypocrisy in demanding a high tariff for the protection of the American mill operative, when, as a matter of fact, the so-called American wage-earner does not exist. Instead of a protective tariff serving as a bulwark for American standards against the "pauper labor" of Europe it has been made clear that the American mill-hand has not only been exposed to the direct competition of a cheap, alien labor-supply from the south and east of Europe, but, because of his inability to work under the same conditions and at the same wages as the recent immigrant, has been forced to leave the woolen-goods manufacturing industry. The inadequacy of the earnings of married men; the need for wives and children to work; the lack of an independent form of family life, due to the necessity of taking boarders and lodgers in order to supplement the earnings of husbands; the poor housing facilities and the highly congested living conditions; the segregation of the alien textile operatives, their inability to speak English, and their failure to develop any political or civic interest—all these and many other lamentable facts relative to working and living conditions in Lawrence have come to light as the result of the present strike.

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The point, however, which the American people have not yet grasped and which is of fundamental importance is that the situation at Lawrence is not unique. It is typical. It is representative of all our important industrial centers. The fact which cannot be over-emphasized, and which the intelligent citizen must bring himself to realize, is that the working and living conditions which have been shown to exist in Lawrence are found in all of our industrial localities in the north and west, no matter upon what branch of manufacturing or mining they are dependent.

The United States Immigration Commission during its recent and exhaustive industrial investigation attempted, with great care, within the territory east of the Mississippi and north of the Ohio and Potomac rivers, to discover a purely American industrial community. It was forced to acknowledge the effort a failure. No manufacturing or mining locality of any importance could be found which did not have its immigrant colony of industrial workers from southern and eastern Europe.

The foreign or immigrant communities in the North and West, which have come into existence because of the recent influx of immigrants from southern and eastern Europe, are of two general types. The first type is a community which has, by a gradual process of social accretion, affixed itself to the original population of an industrial town or city which had already been established before the arrival of races of recent immigration. Foreign communities of this type are as numerous as the older industrial towns and centers of the country, any one of which in New England, the Middle States, or in the Middle West or Southwest will be found to have its immigrant colony or section. The second type of immigrant community has come into existence within recent years because of the development of some natural resource, such as coal, iron ore, or copper, or by reason of the extension of the principal manufacturing industries of the country. They are usually communities clustered around mines or industrial plants; often practically all of the residents are of foreign birth, the population being composed of Slavs, Italians, Magyars, and other peoples of recent immigration. Illustrations of this type of immigrant communities are common in the bituminous and anthracite coal-mining regions of Pennsylvania, and in the coal-producing areas of Virginia, West Virginia,

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Alabama, Ohio, Indiana, Illinois, Kansas, and Oklahoma. In the Mesaba and Vermilion iron-ore ranges of Minnesota, as well as in the iron-ore and copper-mining districts of Michigan, many towns and cities of this character are found. Although not so numerous, they are not infrequently established in connection with the leading industries, such as the manufacture of iron, steel, glass, cotton and woolen goods, etc. Numerous communities of both types might be mentioned, but the foregoing examples will serve to set forth the general situation.

In discussing the Lawrence labor difficulties much stress has also been laid on the fact that the operatives in the Lawrence mills are principally of southern and eastern European or Oriental races. The same class of wage-earners, however, make up the operating forces of all our mines and factories. The Immigration Commission secured original information for over half a million employees in twenty-one leading industries. It found that three-fifths were of foreign birth, and of these two-fifths were members of races from the south and east of Europe. This striking situation becomes more apparent when the percentage of foreign-born employees in the principal divisions of industry are shown. The proportions in twenty-one branches of mining and manufacturing are as follows:

Name of Industry.	Percentage Foreign-born Empolyees.
Agricultural implements and vehicles	59
Cigars and tobacco	32
Clothing	72
Bituminous coal mining	61
Railroad construction work	76
Copper mining and smelting	65
Cotton goods	68
Furniture	59
Glass	39
Gloves	33
Iron and steel	57
Iron-ore mining	52
Leather	67
Oil-refining	66
Silk-dyeing	75
Silk goods	34
Shoes	27
Slaughtering and meat-packing	60
Sugar-refining	85
Woolen and worsted goods	61

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From the foregoing figures it can readily be seen that the racial composition of the Lawrence mill-workers is but a replica of all other industrial employees. The principal immigrants among our industrial workers, taken as a whole, are the French-Canadians, Croatians, Russian and other Hebrews, North and South Italians, Lithuanians, Magyars, Poles, Portuguese, Russians, Slovaks, and Slovenians.

The characteristics of these alien industrial workers are also the same as those who live and work in Lawrence. The southern and eastern European is normally of a simple mind and of a peaceable disposition. He is usually tractable almost to the point of subserviency. When aroused, however, he will dumbly follow a leader to any length, often to the point of extreme violence and disorder. The developments at Lawrence have shown this characteristic in a pronounced form. Three years ago it was similarly displayed in the strike of the employees of the Pressed Steel Car Company at McKees Rocks, Pennsylvania, when the recent immigrants refused, under the influence of the Industrial Workers of the World and under the leadership of the same men who were recently in Lawrence, to return to work even after the native American strikers had reached an agreement with the employers.

Another quality of the recent immigrant labor-supply which is purely industrial, but which is no less important, is that only a very small proportion have had any industrial training or experience before coming to the United States. The great majority were farmers or farm laborers before they were transplanted to their industrial environment in this country. Furthermore, they possess but small resources from which to develop industrial progress and efficiency. Unlike the immigrants of former years from Great Britain and northern Europe, the southern and eastern European wage-earners in other industries, as in the case of Lawrence mill-operatives, are unable to speak English. They are also characterized by a high degree of illiteracy. Of 250,000 industrial workers for whom information was received by the Immigration Commision, only fifty-three per cent. could speak the English language. Among certain races, such as the Bulgarians, Macedonians, Greeks, Herzegovinians, Montenegrins, Roumanians, and Turks, the proportion who had acquired an ability to speak English was much smaller. About one in six of the same employees of

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mines and factories cannot read or write in any language. Furthermore, the Bosnians, Bulgarians, Croatians, South Italians, Portuguese, Servians, and Turks are marked by an even higher degree of illiteracy.

The standards of living of the recent immigrant wage-earner are everywhere as low as in Lawrence. The recent immigrant males being usually single, or, if married, having left their wives abroad, are able to adopt a group instead of a family living arrangement, and thereby to reduce their cost of living to a point far below that of the American or older immigrant in the same industry or the same level of occupations. The method of living usually followed is that commonly known as the "boarding boss" system. Under this arrangement a married immigrant or his wife, or a single man, constitutes the head of the household, which in addition to the family of the head, is usually made up of two to sixteen boarders or lodgers. Each lodger pays the boarding boss a fixed sum, ordinarily from $2 to $3 per month, for lodging, cooking, and washing, the food being usually bought by the boarding boss and its cost being equally shared by the individual members of the group. Another common arrangement is for each member of the household to purchase his own food and have it cooked separately. Under this general method of living, however, which prevails among the greater proportion of the immigrant households, the entire outlay for necessary living expenses of each adult member ranges from $9 to $15 each month. The additional expenditures of the recent immigrant wage-earners are small, and every effort is made to save as much as possible.

A normal form of family life—wife and children supported by the earnings of the husband—is as uncommon in other industrial localities as in Lawrence. The family income must needs be supplemented by the earnings of children or by the payments of boarders and lodgers. The wages of the heads are not sufficient. As a consequence, the native Americans depend upon the contributions of wives and children employed outside the home to supplement the earnings of the husband. The recent immigrants, owing to the comparatively small number of children, rely for their additional income upon the receipts from boarders and lodgers. As a result of its intensive study of the families of 15,000 industrial workers of different geographical areas and of the

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leading divisions of mining and manufacturing, the Immigration Commission found that only two-fifths of the families derived their entire incomes from the earnings of husbands. About one-eighth of both the native American and immigrant families were supported by the wages of the husbands and the earnings of wives and children, and one-fourth of the immigrant households depended upon an income from boarders and lodgers. In the case of some families the heads of which were from southern and eastern Europe, as high a proportion as four-fifths received part of their income from the contributions of boarders and lodgers.

This situation may be more quickly realized when its effect upon housing and living conditions is considered. A study by the Immigration Commission of the families of 17,000 wage-earners, both native Americans and aliens, employed in all lines of industrial activity, showed that one out of every three had boarders or lodgers. In more than one-half of the households with Croatian, Russian, Magyar, Roumanian, Ruthenian, Servian, and Lithuanian heads there were boarders and lodgers. The average number of boarders and lodgers among native Americans was 162 for each 100 households as against 345 in each 100 immigrant households. The Croatians had an average of six, the Servians seven, the Bulgarians eight, and the Roumanians twelve boarders or lodgers in each family.

As might be expected, this condition of affairs causes a high degree of congestion within the households. In the 17,000 investigated there was an average of 246 persons for each 100 sleeping-rooms. Among some families of southern and eastern Europeans all the rooms of their apartments were used for sleeping purposes, and no provision was made for a kitchen, dining, or living room. More than one-third of all the families had only one room available for general living purposes. The low standards of living and the congested living conditions are further exemplified by the rent payments of the families of the industrial workers. The average monthly rent for each person in 11,000 families was found to be only $1.60, and in the cases of some of the southern and eastern European households, notably the Bulgarians and Macedonians, it ranged as low as 78 cents each month per person. The standards of living indicated by these small rent payments is too evident to require comment. The significance of the situation at Lawrence is therefore

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obvious. The class of wage-earners in Lawrence—recent immigrants, unable to speak English, of low standards of living, without industrial experience and unable to know proper working conditions—are the same as are found in all branches of mining and manufacturing in the United States. In brief, although the general level of wages is somewhat lower in Lawrence than in some other branches of manufacturing, the general conditions of life and work are the same. In other words, the status of the wage-earner and his family in Lawrence is typical of the so-called American wage-earner in general. As a consequence, the question as to what we are going to do about the situation in Lawrence quickly resolves itself into the more general inquiry as to what we are going to do about the entire industrial situation. This is the significance of the whole matter. The Lawrence strike is settled, but unless more than local treatment is administered, it will rise again to vex us and a hundred similar instances will follow in its train. The public welfare as well as the condition of our industrial workers demands that measures be taken to prevent the development on a national scale of the conditions which have been characteristic of the strike of the Lawrence woolen and worsted mill operatives.

In order to point out remedial measures it is necessary to inquire into the causes of the industrial situation in which we find ourselves. They are not difficult to ascertain. The remarkable expansion of mining and manufacturing and the consequent demand for labor which have been characteristic of the past thirty years, have attracted to our industrial localities millions of untrained, inexperienced, non-English-speaking, illiterate, temporary immigrant wage-earners. The extraordinary inventions of machinery and mechanical processes during the same period of time have eliminated the elements of skill formerly required of industrial workers and have made possible the extensive employment of this cheap, alien labor supply from the south and east of Europe and the Orient. With the influx of this new labor force, conditions of employment have deteriorated, labor organizations of the original employees have been inundated and disrupted, and the native Americans and older immigrant employees from Great Britain and northern Europe, finding themselves unable to compete with the low standards and the rates of

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payment acceptable to the recent immigrant workmen, have segregated themselves into certain occupations or have sought other employment. The greater number have now been displaced, and the immigrant workmen themselves, who a few years ago drove out the native Americans, are now finding it difficult to withstand the competition of the Syrian, the Turk, and members of other races of more recent arrival from their own countries or from the Orient. In other words, our industrial system has become saturated with an alien, unskilled labor force of low standards, which so far it has been found impossible to assimilate industrially, socially, or politically, and which has broken down American standards of work and compensation.

The obvious solution consists in imposing a check upon a further addition to this labor-supply until those who are already at work in our mines and mills can be absorbed and elevated to a point where they will demand proper wages and working conditions. If the alien influx is permitted to continue it will mean a further degradation of the industrial worker and the intensifying of the conditions of unrest and dissatisfaction which offer such fruitful ground to the Socialist and other revolutionary and radical propagandists. McKees Rock and Lawrence are object-lessons in this respect. We shall do well if we heed their teachings. A temporary restriction of immigration would not imply any racial discrimination or deviation from our traditional policy of offering an asylum to those who are politically or religiously oppressed.

Whether we have a restriction of immigration or not, we must educate and assimilate the recent immigrants who are already resident in our cities and towns and who are workers in our mines and industrial plants. The astounding fact in connection with the presence of a large immigrant population in all of our industrial communities has been the complete indifference of the native Americans to its existence. This attitude must be changed. Every possible agency must be brought to bear upon the effort to Americanize the alien. There is almost an unlimited field for service, and the recent immigrant will be found to be quickly reponsive, and unless something is done the violence and anarchy which have already occurred are only an earnest of what we may expect in the future.

W. Jett Lauck.

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THE SENATE AMENDMENTS TO THE ARBITRATION TREATIES

BY AUGUSTUS O. BACON, U. S. SENATOR

THERE is no sentiment more universally entertained by the American people than that which favors peace among the nations and opposes war. It is in consequence no wonder that there was a general public expression in favor of the ratification of the recently proposed arbitration treaties with Great Britain and France so soon as it became known that these treaties had been negotiated by the President and had been transmitted by him to the Senate for its advice and consent. It is safe to say that this general demand for their ratification was based upon the confident belief that they were essential to provide the means, through international arbitration, for preventing war. The wide appeal which the advocates of these treaties made to the public sentiment was apparently based upon this assumption. No effort was made to inform the public of the present existence of the arbitration treaties already in force, which will be hereinafter mentioned, nor was there any attempt to indicate wherein the proposed treaties were more desirable or efficacious than these existing treaties; and there was a studious avoidance of a discussion of provisions in these proposed treaties which would endanger the public welfare and our vital interests and which were violative of the Constitution of the United States. It was sufficient for the purpose to laud peace and condemn war; and one is safely within the limits in the statement that ninety-nine out of a hundred of those who responded to these appeals in their laudable desire for peace had never read a line of these proposed treaties.

The urgency of the insistence so generally manifested for their ratification without any amendment can only be explained upon the existence of a wide-spread belief that

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unless thus ratified there would be no existing treaties with these nations for the arbitration of international differences. The fact is, however, that there now exists the Hague Convention, which is a treaty between forty-five nations, including the United States and every other important nation of the earth, and also most of the lesser nations, providing the most elaborate machinery for the court of arbitration at The Hague, carefully and elaborately perfected in every detail, and open to them all for the peaceful arbitration of international differences. Not only so, but the United States have formally negotiated and made arbitration treaties with twenty-five nations, including in this number, with the exception of Germany only, all the important nations of the world, by which treaties it is solemnly agreed to submit for decision and settlement by this arbitration court at The Hague all the international differences embraced in the terms of these treaties which may arise between the United States and any one of these several twenty-five nations.

These general arbitration treaties are now in force between the United States and the following nations—*viz.*:

China, Denmark, France, Great Britain, Italy, Japan, Mexico, The Netherlands, Norway, Peru, Portugal, Salvador, Spain, Sweden, Switzerland, Austria-Hungary, Costa Rica, Haiti, Paraguay, the Argentine Republic, Bolivia, Ecuador, Uruguay, Chile, and Brazil.

All of these treaties with the above-named nations are identical in terms, the one with the other. They were negotiated by Mr. Root when Secretary of State. They are short, plain, and comprehensive. The agreement for arbitration in each of these several existing treaties is embraced in the first article, which is as follows:

"Article I. Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties."

The second article in each of these twenty-five treaties provides the proceedings through which there shall be made effective the submission of said differences to the Permanent Court at The Hague.

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For convenience the foregoing existing arbitration treaties will hereinafter be denominated as the Root treaties.

The proposed treaties with Great Britain and France are likewise identical in form, the one with the other. They were negotiated by the present Secretary of State, Mr. Knox. The agreement for arbitration in each of these two treaties is embraced in the first paragraph of the first Article and is as follows:

"Article I. All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitrable tribunal, as shall (may) be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, to define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder."

The second and third paragraphs of this first Article in each of these two treaties, as is done in the Root treaties, further provide the proceedings through which there shall be made effective the submission of said differences to the court of arbitration.

For convenience the foregoing two proposed treaties with Great Britain and France will hereinafter be designated as the Knox treaties.

A comparison of these two agreements to submit differences to arbitration, the one in the Root treaties and the other in the Knox treaties, does not disclose such vital difference in scope and in practical effect as to make it a matter of supreme importance that the latter should be substituted for the former. There may be grounds for difference of opinion as to which is the better form of agreement, but had the Senate entirely rejected these proposed treaties the failure to substitute the Knox agreement for arbitration as a substitute for the Root agreement for arbitration could not by any impartial mind be deemed a serious blow to the cause of international arbitration. There is well-founded basis for the contention that the Root form of agreement for arbitration as now found in these twenty-five existing treaties is the better of the two.

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It is profitable to analyze these two forms of agreement for arbitration and determine wherein their differences consist.

1. In each of the twenty-five Root treaties it is agreed that the international differences shall be referred for settlement to the Permanent Court of Arbitration at The Hague. In the two Knox treaties it is provided that these international differences shall be referred to this court at The Hague " or to some other tribunal " as may be decided by the parties in each case. This difference in the terms, respectively, of the Root and Knox agreements is inappreciable, and is unimportant in view of the fact that in case of any difference arising between the United States and any one of these twenty-five nations it would be perfectly competent, if desired, for the parties to agree to refer the same for settlement to some other tribunal than the Permanent Court at The Hague.

2. In each of the twenty-five existing Root treaties it is provided that, where diplomacy has been unable to adjust them, there shall be submitted to arbitration differences " of a legal nature or relating to interpretation of treaties existing between the two contracting parties." In each of the two proposed Knox treaties it is provided that where diplomacy has been unable to adjust them there shall be submitted to arbitration differences " relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity."

There is room for question whether in the field of international jurisprudence, the simple phrase " differences of a legal nature " which is found in each of these twenty-five Root treaties, is not the full equivalent of the more elaborate designation which is found in the above quotation from the proposed Knox treaties. Indeed, unless the words " by virtue of a claim of right " are surplusage, the designation of the subject of arbitration as those " of a legal nature " is the broader of the two, as it is not limited by this qualification. The phrase " of a legal nature " possesses the twin virtues of simplicity and comprehensiveness, to which may be added as well that of brevity. The designation of the subjects of arbitration as found in the above quotation

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from the proposed Knox treaties would furnish a rich and inviting field for the discussions of the casuist and the hair-splitter.

3. The Root treaties add to the agreement to arbitrate "differences which may arise of a legal nature or relating to the interpretation of treaties" the proviso "that they do not affect the vital interests, the independence, or the honor of the two Contracting States." The Knox treaties in the agreement to arbitrate differences "which are justiciable in their nature, etc.," do not contain this proviso.

The omission of this proviso from the Knox treaties is esteemed by many as the important advance made in them in the cause of international arbitration, in that, as it is claimed by them, the field of arbitration is thereby broadened. But in reply to that contention it is to be noted that when there was pointed out the intolerable danger of an irrevocable treaty agreement to submit to arbitration with a foreign power all differences which might hereafter arise affecting the vital interests, the independence, or the honor of the United States, the advocates of these treaties replied and urged most strenuously that the terms of the agreement to arbitrate as expressed in the Knox treaties could not be construed to embrace any differences of this character. It was most resolutely contended by them that no differences affecting the vital interests, the independence, or the honor of the United States could be "justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity"; and particularly was it urged that no "claim of right" against the United States could be made by a foreign power regarding differences of this nature; and that without "a claim of right" there could be no demand upon the United States for arbitration. An examination of extended debates in the Senate on the subject of these proposed treaties will abundantly establish the correctness of this statement. Senator McCumber, a member of the Senate Committee on Foreign Relations and one of the most earnest advocates of the ratification of the Knox treaties, said specifically, that which was in debate stated generally or by necessary implication by practically all other advocates thereof, that under the Knox treaties nothing could be submitted for arbitration that could not now be submitted under existing treaties.

So that, judged by the construction put upon it by the

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advocates of the Knox treaties, the omission in them of the proviso found in the Root treaties does not broaden the scope of the arbitration agreement found in the former.

But whatever differences of opinion there may be in regard to that part of the treaties defining the scope of the agreement to arbitrate, as found respectively in the Root and the Knox treaties, the Senate did not amend that part of the proposed treaties with Great Britain and France, but, giving to it the benefit of the doubt, accepted and ratified in its entirety that part of these treaties found in the first paragraph of Article I. which is hereinbefore quoted, the only change made being to substitute the word "shall" for the word "may" for the purpose of correcting a manifest verbal error.

With this slight correction of a verbal error the Senate agreed not only to the paragraph which has been analyzed, but consented to the ratification of these treaties with only two changes by two amendments which it is important to note accurately, one of them being to the text of a subsequent part of each treaty and the other being engrafted on the resolution of ratification.

It has been so widely and generally represented that the amendments adopted by the Senate had so emasculated these treaties as to render them of no value, that to properly show the inaccuracy of this representation it is important through the foregoing narration to clearly indicate what parts of these treaties have been left unamended, and further to state definitely what amendments were adopted and the effect thereof.

The amendment to the text above referred to consists in striking out the third paragraph of Article III. hereinafter quoted. The nature of this paragraph and its relation to a similar article in the Hague Convention it is necessary to explain.

In the Hague Convention, agreed to by forty-five nations, there is a provision for the international Commission of Inquiry, the duty of which is, in case of international disputes,

> "to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation."

In defining the duties and powers of this commission in the Hague Convention it is provided as follows:

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"The Report of the Commission is limited to a statement of facts, and has in no way the character of an Award. It leaves the parties entire freedom as to the effect to be given to the Statement."

The Knox treaties in Article II. each creates a similar "Commission of Inquiry," to be composed of three members of each party to the dispute, "or the commission may be otherwise constituted in any particular case by the terms of the conference."

Article III. of these proposed treaties defining the duties and powers of this commission is as follows:

"Article III. The Joint High Commission of Inquiry, instituted in each case as provided for in Article II., is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

"The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law, and shall in no way have the character of an arbitral award.

"It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I. of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I., it shall be referred to arbitration in accordance with the provisions of this Treaty."

The first two paragraphs of this Article are evidently taken from the corresponding Article of the Hague Convention above quoted. The third paragraph of this Article is, however, entirely new and is unlike any other treaty ever proposed or made by the United States or by any other nation. If construed according to the plain meaning of the words taken in connection with the context, the purpose of the third paragraph is that the United States shall be bound by the decision of this Court of Inquiry to submit to arbitration a given question of difference even though in the opinion of the President, or of the Senate, or of both, it is not a proper matter to be left to the decision of the Court of Arbitration. Under this construction, in case the Senate should determine, in the exercise of its constitutional function and duty, that a given question of difference did not fall within the terms of the treaty, or was one so vitally concerning the people of the United States that it could not be safely left to the decision of a court of arbitration, the

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judgment of the Senate in that regard would not be final. On the contrary, it would under this construction of this paragraph be referred to this Commission of Inquiry, which might be composed entirely of foreigners, and if this Commission determined that it was a matter which should be arbitrated the Senate would be bound by the plighted faith of our Government to agree to the necessary treaty of arbitration, although the Senators under their oaths and their consciences should be of opinion that it was dangerous to the interest of the country to make such a treaty of arbitration in that particular case. In other words, the judgment of an outside commission would be substituted for the judgment of the Senate. How utterly in violation of the Constitution this would be is emphasized by the requirement of that instrument not only that the consent of the Senate shall be necessary to the making of the treaty, but that the consent of two-thirds of the Senate shall be necessary. The framers of the Constitution were unwilling that the consent of a majority only of the Senate should be sufficient to make a treaty, but the framers of these treaties, if this construction be correct, are willing that an unknown outside commission, composed possibly of foreigners, shall determine in the place of two-thirds of the Senate, and even against the judgment of the Senate, as to the making of treaties relating to subjects involving the most vital interests of the country, some of which are now known, but many of which cannot be anticipated, although certain to arise in the future.

The vesting of the treaty-making power in part in the Senate is one of the gravest features of our Constitution and one of the most important to be guarded and preserved. A statute law enacted by Congress is declared by the Constitution to be the supreme law of the land. A treaty under the Constitution is also declared by that instrument to be the supreme law of the land. A treaty, made with the advice and consent of the Senate, is of equal dignity with an Act of Congress. It is not open to argument that the provisions of the Constitution relative to the manner and authority in and by which treaties shall be made are as imperative and as important to be guarded and preserved as are those other provisions of the Constitution prescribing the manner and authority in and by which statutory law shall be enacted.

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In the Convention which framed the Constitution there was never a contemplation that treaties should be made without the full participation of the Senate. On the contrary, the original draft of the Constitution reported by the Committee to the Convention vested the treaty-making power in the Senate alone. It was only in the closing days of the Convention that the suggestion was made by Mr. Madison and adopted that the President should have the initiative in the negotiation of treaties, the change having evidently been made in consideration of convenience; but the provision was most carefully guarded that the mighty power of making treaties with foreign nations should only be exercised with the advice and consent of two-thirds of the Senators present.

In refusing to permit a part of the treaty-making power to be delegated to an outside commission, the Senate is but guarding inviolate a vital and fundamental provision of the Constitution. To do otherwise would be to trifle with its duty.

In providing that the consent of two-thirds of the Senate shall be necessary to the making of a treaty, the plain purpose and intent was that that consent should be given to each and every part of a treaty. If a part of a treaty can be excepted from that requirement, then can also be another part, and there is no point in a proposed treaty at which the line could be drawn. This proposition appears to be too plain to require argument to sustain it. Accepting this as the rule, the fact is apparent that whenever it is proposed to submit an international dispute to arbitration, the decision of the question, "Is this a proper subject-matter or controversy to submit to arbitration?" is not only a part of it, but it is the vital thing to be decided in agreeing or consenting to the making of a treaty of arbitration relative thereto. It is in every proposed treaty of arbitration not only a vital, but it is necessarily the controlling question, the decision of which determines whether the Senate will, in exercising its constitutional function, consent to the proposed treaty or whether the Senate will reject it.

For instance, in 1895, when we intervened in behalf of Venezuela in her controversy with Great Britain regarding a portion of territory claimed by each, we based our action on the right we claimed to interfere under the Monroe Doctrine. If this proposed treaty had then been in force, England could have claimed the right to the arbitration of

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our right to interfere in that controversy. Under the terms of the proposed treaty, if then existing, it would, upon our objecting, have been within the power of an outside commission to determine for the Senate that the Monroe Doctrine, and the right to assert it by the United States, constituted a proper subject-matter of arbitration under the terms of the treaty; and with such decision by this outside commission the Senate would have been bound to consent to a treaty submitting that question to arbitration, and would have violated the plighted faith of the United States if it had refused to consent to such treaty of arbitration under such a demand from Great Britain.

The main question for the Senate, when such a treaty of arbitration involving the Monroe Doctrine was proposed, would have been, "Will the Senate consent to submit this to arbitration?" Under the Knox treaties if the Senate said "No," that question of consent, which under the Constitution devolves upon the Senate, would have been decided by the outside commission.

Further illustrations, in case similar treaties are made with other nations, could be made regarding questions which relate to the control of the immigration of those, Asiatics or others, who are undesirable to us; to the right of Asiatics to enter our schools in the several States; to the integrity of the territory of the United States or of any one of the States; to our control within certain limitations of the affairs of Cuba, including our prohibition of the grant of any naval base on the island to any other nation; to our fortification of the Panama Canal; to the objection we should urge if any great power should seek a naval or military base within our sphere which would in any way be a menace to our peace and safety; and to many other questions, existing and hereafter to develop, vital to us as a people. In each of these and kindred cases whenever a proposition of arbitration is submitted to the Senate, the final determination of consent or refusal to consent to make the treaty of arbitration belongs to the Senate and to it alone. It cannot be delegated to another body, whether that be an outside commission or otherwise constituted. This was the view taken by the Senate Committee on Foreign Relations who recommended to the Senate in a forceful report that the third paragraph of the third Article above quoted be stricken from the proposed treaties. In so doing the committee said:

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"This recommendation is made because there can be no question that through the machinery of the joint commission, as provided in Articles II. and III. and with the last clause of Article III. included, the Senate is deprived of its constitutional power to pass upon all questions involved in any treaty submitted to it in accordance with the Constitution. The Committee believes that it would be a violation of the Constitution of the United States to confer upon an outside Commission powers which under the Constitution devolve upon the Senate."

And again the committee say in the same report:

"To take away from the Senate the determination of the most important question in a proposed treaty of arbitration is necessarily in violation of the treaty provisions of the Constitution. The most vital question in every proposed arbitration is whether the difference is arbitrable."

The position of the Committee on Foreign Relations was in this contention so unassailable that the advocates of the treaty who opposed any amendment to its text took refuge in the contention that the third paragraph of the third Article did not in any manner abridge the constitutional powers of the Senate, and that after a decision by the outside commission that the matter in difference is arbitrable under the treaty, the Senate would be under no obligation to submit it to arbitration in conformity with such decision. It is difficult to find any reasoning upon which such construction can rest, as the language of the third paragraph of the third Article with the context seems to plainly indicate the contrary intention. If it means that the decision of the commission imposes no obligation on the Senate, it is surplusage and practically means nothing.

Senators were unwilling that the power should be left as expressed in the paragraph even though the advocates of the treaties construed that language to mean other than what it plainly imported. This construction by the advocates of the unamended treaties would not be binding upon the nations with whom we contracted these treaty obligations. Courts do not construe a statute by inquiring of the legislators what they intended in the use of the language they employed in the enactment of the laws.

Believing that the third paragraph of the third Article of the Knox treaties, in its delegation of the power of the Senate to an outside commission, was in violation of the Constitution and that as well such delegation was unwise and dangerous, the Senate struck it out in the proposed treaties both with Great Britain and with France.

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There are many vital questions, it will be generally admitted, that the United States would not submit to the final determination of others; and it is worse than unwise to solemnly enter into obligations to do so which it is well known we would not recognize and observe when the occasion arose. It is no reply to say that questions of this class are not included in the terms of the proposed treaties. These treaties do not leave us as the judges whether a given difference between the nations presents a question to be submitted to arbitration. If we should think it not arbitrable under the treaty, and the other nation should contend that it is arbitrable, by the terms of the third paragraph of the third Article found in each treaty the outside commission would have the final determination whether it was or was not arbitrable.

It is proper and desirable that there shall be general treaties of arbitration and that the agreement to arbitrate shall be as comprehensive of the classes of international differences to be submitted to peaceful arbitration as is consistent with our welfare and safety; but the President and the Senate, constituting the treaty-making power under the Constitution, can be the only constitutional authority to determine, when an international difference arises, whether it falls within the terms of the treaty and should, in consequence, be submitted to arbitration in accordance therewith. And when the President and the Senate so decide and agree to submit that difference to arbitration, the award of the court of arbitration thus legally authorized should be abided by and performed though the heavens fall.

The contention that the Senate had, by amendment, so mangled the proposed treaties as to emasculate and practically destroy them cannot withstand the test of examination. Besides the correction of the verbal error already mentioned the Senate made but two amendments. There was but one amendment made to the text of the treaties, and that was to strike out the third paragraph of the third Article which has been under discussion. Every other part of the text of the treaties is left untouched. The contention that the striking out of this third paragraph had emasculated the treaties and destroyed their value can only be supported by showing that that paragraph is of vital importance to the treaties. Unfortunately, with scarcely an exception, every advocate of the unamended treaties differs from every

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other advocate thereof as to the meaning and effect of this paragraph. Without this third paragraph the Commission of Inquiry still remains with its powers to make examinations and report findings of fact and law with recommendations thereon. This third paragraph could only be vital to the treaty in case the purpose of the treaty was to coerce the Senate to unwillingly submit a given matter to arbitration, and this third paragraph was the means devised for that coercion. There is no other vital function that can be ascribed to this third paragraph, and if it has no such vital function its elimination cannot result in the practical destruction of the treaty. Its advocates in America generally and with scarcely an exception, while differing in other particulars, contend that the third paragraph gives no such power. If the foreign nations intended that this third paragraph should perform this function, and now discard the proposed treaties because by the elimination of the paragraph that intention is defeated, no better argument could be advanced in support of the Senate's action in striking out that paragraph.

Until there is pointed out what vital function this third paragraph was intended to perform, and how its elimination has destroyed or practically impaired the remaining parts of these treaties, their abandonment must find other grounds on which to rest; for it must be conceded that unless the finding of the outside commission, as provided in that third paragraph, would be binding on the Senate, the treaties are as far-reaching and effective without that paragraph as they are with it included.

Other than the verbal correction and the striking out of the third paragraph of the third Article, the Committee on Foreign Relations recommended to the Senate no change or amendment. If the advocates of the treaties had been content with them thus amended, there would have been no contention and they would have been agreed to by the Senate with practical unanimity. But in the very earnest discussion which followed the opposition to the proposed amendment, the dangers pointed out in regard to the compulsory arbitration of certain differences which might arise were so manifest that the Senate by the decisive vote of 46 to 36 engrafted upon the resolution of ratification in the case of each treaty that it would not

"authorize the submission to arbitration of any question which affects the

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admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States, or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine, or other purely governmental policy."

These are subjects which vitally concern our welfare and safety. It can be conceived that occasion may occur when we would be willing to submit to arbitration international differences which may arise as to some of them; but there is no one of them which we would be willing to bind ourselves in advance to arbitrate, regardless of circumstances which may attend when the particular question is presented for determination.

It is to be further remarked that without exception the advocates of the unamended treaties contended most ardently that the terms of these treaties do not embrace differences as to any of these subjects included in the amendment. If so, the expression of their exclusion has in no wise destroyed or weakened these treaties.

Should these Knox treaties not be finally concluded and proclaimed, the cause of peaceful arbitration of international differences will not be endangered. In the first place, the twenty-five Root treaties make provision for the peaceful arbitration of every question that it is at all probable the United States will submit to arbitration. And should a special occasion arise not covered by the Root treaties, there is no reason to fear that in every proper case a special arbitration treaty will be made to meet that case. The fact that we have heretofore made seventy-four arbitration treaties with other nations is abundant guarantee that such will be done when the occasion demands. In the long years only one case suggests itself in which we have refused an arbitration which in the opinion of many should have been granted, and that case, among so many, is an illustration of the meaning of the adage that the exception proves the rule.

AUGUSTUS O. BACON.

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PROTECTION OF AMERICAN COMMERCE AND CAPITAL ABROAD

BY JOHN BALL OSBORNE

THE vast extent of the present commercial and financial interests of American citizens in foreign countries is a matter of common knowledge and national pride. But the means available to the Government of the United States for the protection of these various interests against injustice is not so well known. From time to time, however, when instances of discrimination or other injurious treatment by a foreign government arise the ways and means of adequately meeting the situation by reprisals or otherwise, become a matter of serious concern. This was the case early in 1910 at the time of the threatened tariff war first with Germany and then with France, prior to the tariff settlements with those countries; and again, more recently, in connection with the discussion of the effects on American business interests of the German Potash Law of 1910.

It is well to consider briefly the extent of the stake. For the first time in our history the exports of American products to foreign countries exceeded, in the fiscal year ended June 30, 1911, a valuation of $2,000,000,000. The proportion of manufactured goods in this export trade is steadily increasing, which means that the volume of American products requiring protection against tariff discrimination in foreign markets is expanding, inasmuch as it is against our factory goods that such discrimination is generally practised. Raw materials such as cotton, copper, petroleum, and grains are, almost invariably, either exempt from duty or subject to non-differential rates, since they are required to meet the manufacturing needs of the importing countries. Excepting in a few countries where

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agrarian influences dominate the commercial policy, the same consideration applies to our foodstuffs other than grain. The foreign nations rarely impose unusual burdens upon the imports of these products, for by so doing they injure themselves. Our manufactures, on the other hand, compete usually with domestic manufactures, as well as with those of other origins, so that discriminatory tariff treatment operates merely to draw the required importations more largely from the commercial rivals of the United States.

On the basis of the detailed figures of our exports for the fiscal year 1910, manufactured goods—that is, those ready for consumption and those for further use in manufacturing — constituted forty-five per cent. of the total; to which might be added fifteen per cent. for foodstuffs partly or wholly manufactured, making sixty per cent. On the basis of the exports for the fiscal year 1911, this means that American exports to the value of about $1,200,000,000 are peculiarly susceptible to discriminatory treatment and need the vigilant protection of the United States Government, while the remaining forty per cent., being composed of crude materials for use in manufacturing and foodstuffs in crude condition and food animals, are not so vulnerable, because the importing countries consult their own economic interests and admit them free of duty or on reasonable terms and without discrimination. There are, of course, a few exceptions to this rule.

Europe is the trade region where the great bulk of our exports go, and hence our solicitude as to tariff conditions in the various European countries is especially great. In 1910 the distribution of our exports throughout the world was as follows: to Europe 65.10 per cent.; North America 22.09 per cent.; South America 5.34 per cent.; Asia 3.49 per cent.; Oceania 2.92 per cent., and Africa 1.06 per cent.

The American merchant marine engaged in the foreign carrying trade, of course, requires the protection of our Government, as well as American commerce; but, unfortunately, these interests are not extensive. In 1910 American vessels carried only 8.7 per cent. of the combined exports and imports of the United States, the percentage of the former being 7.5 per cent. and the latter 10 per cent.

Almost equally important with the commercial interests, from the standpoint of our present inquiry, is the extent of

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what we may term the extra-territorial investments of American capital—that is, the investments of the capital of American citizens in foreign countries. Twenty years ago I doubt whether there was, all told, more than $500,000,000 of American money invested outside the United States. At the present time the total is about $2,000,000,000, distributed by countries somewhat as follows:

North America:		
Dominion of Canada	$400,000,000	
Mexico	800,000,000	
Cuba	220,000,000	
Haiti and Dominican Republic	7,500,000	
Costa Rica	7,000,000	
Guatemala	20,000,000	
Honduras	3,000,000	
Nicaragua	2,500,000	
Panama	5,000,000	
Salvador	2,500,000	
		$1,467,500,000
South America:		
Argentine Republic	$40,000,000	
Bolivia	10,000,000	
Brazil	50,000,000	
Chile	15,000,000	
Colombia	2,000,000	
Ecuador	10,000,000	
British and Dutch Guianas	5,000,000	
Peru	35,000,000	
Uruguay	5,000,000	
Venezuela	3,000,000	
		175,000,000
Europe		200,000,000
Near East		10,000,000
Far East and all other regions		50,000,000
Grand total		$1,902,500,000

In making up the foregoing estimates I have consulted the best authorities—for instance, in the case of the Latin-American countries, the Pan-American Union and Mr. Charles M. Pepper. The Canadian figure might seem rather high; but an agent of the British Board of Trade at Toronto recently made an itemized statement showing $417,000,000 American capital invested in the Dominion. The Cuban estimate is one made officially by Consul-General Rodgers of Havana.

Due account has been taken of the well-known fact that the nationality of a large amount of American capital invested abroad is not disclosed, being in foreign corporations

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or foreign loans. There are cases where American citizens who own stock in foreign corporations are unwilling to make their holdings known for business reasons. On the other hand, there are numerous cases where the majority of the stock in a corporation chartered under the laws of one of the States of the Union is owned by aliens. The corporation is nominally American and yet substantially foreign. In several instances corporations of this character have invoked the protection of the United States Government, their legal right to do so being apparently well founded. This has occurred more often in South America than elsewhere. In the Latin-American countries bona fide American investments rarely fail to disclose their identity, while, as already intimated, the contrary policy is followed in Europe. For instance, the American ownership of the Sollstedt potash mine in Germany became generally known only when the validity of the American contracts became a diplomatic question.

Let us now see what means have been and remain available to the Government of the United States for the protection of the foreign commerce and extra-territorial financial investments of American citizens. A brief historical review will be useful as a background for the present practical phases of this important question.

The first instance of retaliatory action on the part of the United States was directed against France in 1798. In reprisal for the repeated seizures of American vessels by French privateers, as well as for insults against the envoys of the United States, Congress passed the Act of July 7, 1798, which abruptly abrogated all our treaties with France, including the commercial convention of 1778, which had regulated the trade relations between the two countries.

The persistent warfare by British vessels on American commerce in the early years of the nineteenth century was met by the Non-Importation Act of 1806, which prohibited the importation of such British manufactures as could be obtained elsewhere or produced in this country. This proved ineffectual. In retaliation for the English Orders in Council, as well as the Berlin and Milan decrees of Napoleon, Congress adopted the Embargo Act of December, 1807, which forbade all vessels to leave any American port for a foreign country. This being entirely too drastic and injurious to the United States, the Non-Intercourse Act of

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1809 was passed, removing the barriers against trade intercourse with all countries excepting England and France.

In 1832 Spain imposed discriminating duties upon American vessels entering the ports of Cuba and Porto Rico. This Government retaliated against Spanish vessels in our ports, and it was not until 1884-1887 that a series of agreements between the two countries put an end to these restrictions.

Shortly after the termination of the fishery clauses of the Treaty of Washington, the Canadian authorities seized several American vessels engaged in the North Atlantic fisheries. Congress in 1887 provided the means of retaliation in an Act which authorized the President to forbid the entry of Canadian vessels in American ports. Happily there was no further occasion for bringing into operation the drastic powers of this law.

The most radical legislation, however, is contained in Section 5 of "an Act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," approved August 30, 1890. While some of the provisions of this law have been superseded by the Meat Inspection Law of June 30, 1906, Section 5 is regarded by eminent lawyers as still in force. It reads as follows:

"That whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign State against the importation to or sale in such foreign State of any product of the United States, he may direct that such products of such foreign State so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require."

It is no exaggeration to say that this is a tremendous weapon for retaliation; but, although there was undoubtedly serious tariff discrimination on the part of certain foreign countries against American commerce from 1890 to 1910, the club available to the President was too heavy to justify his using it in reprisals against the offending countries, for the absolute prohibition of importations is a bar-

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barous method of commercial retaliation, belonging to the economic system of the Mercantilists.

Section 3 of the McKinley Tariff law of October 1, 1890, made a curious provision for tariff retaliation of limited scope. The free list of the Act included the articles sugar, molasses, coffee, tea, and hides, while Section 3 authorized the President to suspend by proclamation such free entry of any or all such articles when imported from countries imposing "duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable," and instead to impose thereon certain duties specified in Section 3. As intended, this threat of retaliatory action acted as a strong incentive to several countries to make favorable reciprocal commercial arrangements with the United States, and several of the governments of South and Central America and the West Indies responded. Three countries, however, declined, when specially invited, to enter into reciprocity arrangements with the United States providing for improved tariff treatment of American products. These were Haiti, Venezuela, and Colombia. On March 15, 1892, President Harrison issued three proclamations suspending the free entry of sugar, molasses, coffee, tea, and hides when imported from the countries mentioned, and declared those articles subject to the specified rates of duty. This is almost the only instance in recent years where the United States Government has actually retaliated against foreign governments for unjust tariff treatment of our exports. Section 3 of the Tariff of 1890 was virtually repealed by the Wilson Tariff of 1894.

The Dingley Tariff of July 24, 1897, contained, in the latter part of Section 3, a similar provision for the penalization of coffee, tea, and tonqua and vanilla beans, all of which, although on the free list of the tariff, were liable to certain specified duties when imported from a country which discriminated against the United States in tariff treatment. The duties on coffee and tea were to be three and ten cents per pound, respectively. This provision of the law was never utilized; nor was there any disposition to invoke it. It was terminated, of course, by the passage of the present tariff law.

The retaliatory provisions of the Payne-Aldrich law are

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the most important that have ever been enacted by Congress. This tariff law gave the United States, for the first time in its history, a double tariff, of the maximum and minimum class. The double tariff features came into operation only on April 1, 1910, prior to which date the President had issued one hundred and thirty-four proclamations extending the benefits of the minimum tariff to all the countries of the world. The minimum tariff consists of the regular duties in Section 1 and the free list, while the maximum tariff consists of the rates of the minimum tariff plus twenty-five per cent. ad valorem, with the free list unchanged.

The minimum tariff having universal application, the potential severity of our maximum tariff is little understood. Just what it would mean if it were given universal application may be comprehended by a few figures. In the fiscal year 1910 the value of the dutiable imports into the United States from the world was $785,000,000, on which duties to the amount of $326,000,000 were collected under the minimum tariff. If the maximum tariff were applied it would mean an augmentation of the duties by twenty-five per cent. of $785,000,000, or $196,000,000, and this added to the duties actually collected would make the collections $522,000,000. The fallacy here, of course, is that if the maximum were applied no such valuation of imports would come to the United States. The present duties average, on the basis of dutiable imports alone, about forty-two per cent. The maximum would bring the average ad valorem up to sixty-seven per cent., which would kill a large part of our import trade.

Taking the case of Germany: Our dutiable imports from the Empire in 1910 amounted to about $112,000,000. The duties collected were in the neighborhood of $45,000,000. The maximum tariff would necessitate the collection of $28,000,000 additional, which would bring the collections to $73,000,000 on a valuation of $112,000,000. It is certain that the German products could not stand any such tariff treatment in our markets, particularly if the like products of other countries paid the minimum rates. There would be an extensive diversion of our established German trade, and Germany would be supplanted in our markets by her commercial rivals, particularly Great Britain and France.

The maximum tariff feature of the Payne-Aldrich Act has not only exercised a strong deterrent influence in pre-

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venting undue discriminations against American commerce, but it has brought about the abandonment by several governments of discriminations previously practised against the United States. It was provided in the law that the double tariff provisions should become effective April 1, 1910. During the interval between August 6, 1909, when the Act went into effect, and April 1, 1910, the Department of State, with the aid of its foreign representatives and its tariff officers at Washington and with the co-operation of the Tariff Board appointed by the President, made a careful inquiry into the laws, decrees, and regulations of foreign governments affecting American commerce in all parts of the world, with a view to determining whether or not undue discrimination in any respect existed against the United States or its products. This inquiry involved extensive diplomatic negotiation between the Department and the representatives of the foreign governments at Washington. Many instances of undue discrimination were brought to the attention of the offending governments and suitable corrective measures were taken by them.

As a gratifying result of the tariff negotiations of the Department of State all instances of what may fairly be described as "*undue* discriminations" in tariff treatment against the commerce of the United States have been removed.

The beneficial results accomplished by the tariff negotiations above referred to may be briefly summarized as follows: Germany removed completely* her tariff discrimination against American products and applied her entire conventional tariff to the imports from the United States. She also admitted our pork products without requiring certificates showing microscopic inspection in the United States. Austria-Hungary made the same concession. France compromised by extending to the United States her minimum tariff on about seventy-five classes of articles imported from the United States that had not hitherto enjoyed the benefit of the lower schedule of duties. Greece reduced by one-half her duties on cotton-seed oil and lubricating oils. Canada reduced her general duties to the level of the intermediate rates in favor of thirteen important classes of imports from the United States of the same character as those enumerated in the Franco-Canadian reciprocity treaty. Brazil enlarged

* But see *infra* as to action taken by Germany, Dec. 1, 1911.

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the list of American products entitled to a preferential tariff reduction on their importation. All the foregoing concessions represented actual improvement of conditions previously existing—in other words, better tariff treatment for American products aggregating in value at that time about $60,000,000, and at the present time about $75,000,000 per annum.

What is almost equally important, the United States obtained, in the course of these tariff settlements, formal guarantees on the part of the other foreign governments employing a dual tariff system that they recognize the principle of minimum for minimum and will continue to extend to the United States the benefit of their complete lowest tariffs in compensation for the minimum tariff of the United States. This was the principle underlying the tariff negotiations of 1909-1910. These governments included Austria-Hungary, Italy, Russia, Spain, Switzerland, Japan, Greece, Servia, and Bulgaria.

Unfortunately, the maximum tariff of the Act of 1909 has failed to remove all instances of discrimination against American products. The remaining discriminations are limited to less than a dozen countries. Everywhere in Europe, excepting only in France and Roumania, and since December, 1911, in Germany, American exports enjoy complete tariff equality with the like products of the most-favored nation. France declined to recognize the principle of minimum for minimum, but in lieu thereof made some compensatory concessions to the United States for that portion of her minimum tariff which she withheld. Fortunately, the minimum rates granted to the United States cover the large majority of the articles of American production or manufacture actually entering into the export trade with France, so that in a total exportation to France of $125,000,000 about sixty-seven per cent. is on the free list; thirty per cent. is admitted to the minimum tariff, and the remaining three per cent. is subject to discrimination. Among the principal articles subject to this discriminatory treatment are the following: Live animals, most meat products, fish, dairy products, vegetables, chemical products, glass, china and earthenware, yarns, fabrics, embroideries and clothing, most boots and shoes, gloves, clocks and watches, many kinds of machines, electrical apparatus, boilers, stoves, iron and steel, manufactures of wood, and manufactures of rubber.

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Roumania is another country where tariff discrimination is practised against the United States. On the ground that there is no commercial convention between the two countries, Roumania applies her entire general tariff to imports from the United States. Fortunately, on a majority of the comparatively few articles that are imported into Roumania from the United States, the rates of the general and conventional tariffs are the same.

Since December 1, 1911, when the new commercial treaties between Germany and Sweden and Japan, respectively, were put into effect, Germany has withheld from certain American products the benefits of the new conventional rates established by those treaties. The only important articles of American export to Germany affected by this action come under the German-Swedish treaty and include rubber footwear and drill-rods.

Two other forms of discrimination against American commerce are presented conspicuously in Europe—namely, excessive duties or other restrictions on edible cotton-seed oil and sanitary restrictions against American cattle and meats. Cotton-seed oil is the subject of discriminatory treatment of this kind in Austria-Hungary, where the duty amounts to twenty-eight cents per gallon, an absolutely prohibitive rate. In Italy a heavy manufacturing tax is imposed on the imported article in addition to the regular tax on vegetable oils. In Spain an excessive import duty is charged and denaturing is required. In Portugal importation of the edible product is practically prohibited.

The sanitary restrictions against American live cattle are quite general in northern Europe. The United Kingdom, Belgium, and Switzerland admit them for slaughter, but France and Germany do not, and even decline to permit their transportation in transit to Switzerland. Besides maintaining these restrictions against live cattle, Germany has an unusually stringent inspection system for American meat products. Canned meats and sausages are absolutely prohibited entry, while the regulations governing the importation of fresh meats are so strict that compliance with them is impracticable. The tariff negotiations to which I have already referred were ineffectual in bringing about the modification of this sanitary system so general in Europe.

In Belgium a curious discrimination exists in the form of the public tenders for the supply of the state railways with

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lubricating oil. Year after year these tenders specify oil of Russian origin, thereby discriminating against an American oil-exporting concern that has repeatedly expressed its desire to bid.

The tariff concessions granted by the Dominion of Canada to France, in accordance with the provisions of the Franco-Canadian Reciprocity Treaty of 1907, were the subject of negotiation prior to the going into effect of our double tariff law. The United States, however, exports to Canada some articles which are still required to pay higher tariff duties than the like articles when imported into the Dominion from France.

Haiti withholds from the United States the benefit of certain reductions of duty made by her in favor of imports from France in a reciprocity treaty signed in 1907. Haiti made a similar treaty with Germany in 1909. A like case is presented in Salvador, where France, by reciprocity treaty, obtained certain tariff concessions in favor of some of her products, such as wines, soaps, and other toilet articles, the benefits of which Salvador declines to extend to the United States. Venezuela imposes a surtax of thirty per cent. ad valorem upon West-Indian imports, including those from Porto Rico, thereby discriminating against a part of the United States. The French colonial possessions, which use a modified form of the double tariff of France, discriminate more or less against American commerce in the application of that tariff. With the exception of Venezuela and French Guiana, there is no tariff discrimination against the United States in South America. Nor is there any in Asia or Africa worth mentioning, although there are neighborhood tariff relations which interfere with the development of American trade. Preferential tariff arrangements between colonies and their mother countries are not regarded as discriminations.

The instances of confiscatory, repressive, and discriminatory treatment of American financial investments in foreign countries are few and far between, and when they do arise there is invariably wide publicity given to the facts. The effect of the German Potash law of May 28, 1910, on the American-owned mine known as Sollstedt is a case in point, and so are the measures taken by the Austro-Hungarian Government against the Vacuum Oil Company, an American-owned concern doing business in that country.

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Similar injustice against American enterprises has been, in isolated cases, practised by various governments of Latin America. There is no doubt that the Payne-Aldrich law fails completely to cover cases of this kind, since it relates exclusively to tariff matters. Hence there is urgent need of means of meeting foreign injustice of this kind by suitable reprisals.

Nearly all the foreign governments are adequately equipped to meet emergencies arising in the commercial relations of the country where discrimination is practised. All the double-tariff countries have, of course, the general or maximum tariff as the immediate remedy. As a rule, the rates of the maximum tariff average fifty per cent. higher than the rates of the minimum or conventional tariff, as the case may be.

In addition to the maximum tariff, however, there is usually provision for a penalty or war tariff. Several single-tariff countries have this means of retaliation. The Austro-Hungarian Government may impose a surtax up to two hundred per cent. of the regular duty, or the equivalent of the full value of the goods, and for goods on the free list a special duty up to one hundred per cent. ad valorem. The German Government may impose a surtax up to one hundred per cent. of the regular duties, or a surtax equivalent to the total value of the goods, and a duty of fifty per cent. ad valorem on goods on the free list; or the same duties as are applied to German goods in the country of origin. The French Government has the same penalty tariff provisions as Germany. The Italian Government may increase the duties up to fifty per cent. of the duties of the general tariff and impose an ad valorem duty up to twenty-five per cent. on goods on the free list. The Belgian Government may impose fifty per cent. additional to the regular duties and upon goods upon the free list fifteen per cent. ad valorem or an equivalent specific duty. Denmark has provision for a surtax up to forty per cent. of the regular duties, with ten per cent. ad valorem on goods on the free list, but these penal provisions may be applied for a period not to exceed forty weeks. The Spanish Government, in addition to the maximum tariff, may impose such surtaxes as it deems proper. The Canadian Government is authorized to impose a surtax amounting to one-third of the duties of the general tariff. The Japanese Government may apply a surtax not exceed-

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ing the regular duties and for goods on the free list not to exceed fifty per cent. ad valorem. Russia, Switzerland, the Balkan States, Brazil, and the Argentine Republic also have effective penalty tariffs.

In order to supply the defects of our present penalty tariff legislation, and particularly to make it comprehend instances of injustice practised against American financial investments abroad, Senator Curtis of Kansas introduced in the Senate, in the final session of the Sixty-first Congress, a bill to amend Section 5 of the Act of August 30, 1890, which I have already described. This bill, although nominally an amendment of the old Act of 1890, is, to all intents and purposes, an amendment of Section 2 of the Payne-Aldrich law and, by a strict construction of constitutional law, it would seem that it should be initiated in the House of Representatives, for the reason that it affects a bill to raise revenue. This point, however, does not detract from its intrinsic merits.

According to the Curtis bill, "whenever the President shall be satisfied that the government of any foreign state (1), by repressive, discriminatory, or confiscatory measures, jeopardizes, impairs, or destroys the capital of citizens of the United States legitimately invested in such foreign state; or (2) makes undue discriminations or gives relative treatment not equivalently favorable, adversely affecting the importation into or sale in such foreign state of any product of the United States; or (3) imposes, by law or by administrative measures, exactions, regulations, or limitations restrictive of or harmful or amounting to relative treatment not equivalently favorable to the commerce of the United States with such foreign state, with respect to the imports into or exports from such state," he may direct, by proclamation effective ninety days after its date, the following action:

(1) The imposition on imports of all or such dutiable products of the offending state as he may deem proper of such increased ad valorem rates of duty, not less than five per cent. nor more than twenty-five per cent., as he shall determine are equivalent to the injury inflicted upon American capital or commerce; or

(2) The imposition of the like ad valorem rates of duty upon importations of all or such duty-free products of such foreign state as he may deem proper; or

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(3) The imposition of the like ad valorem rates upon both dutiable and duty-free importations; or

(4) In what the President shall be satisfied are extreme cases of undue discrimination and unjust treatment of the commercial or financial interests of citizens of the United States on the part of such foreign state, the complete exclusion from importation to the United States of such products of the offending state as he may deem proper. All articles imported contrary to the Act are subject to forfeiture to the United States.

This bill would, if enacted into law, meet all possible emergencies confronting the commerce and foreign business interests of American citizens. It would correct three great defects in the present legislation at the command of the President. Firstly, it would apply to goods now on our free list and thus bring within the scope of the maximum tariff the importations from the countries of Latin America, including those which now discriminate against us largely because they have no fear of a maximum tariff. About ninety-six per cent. of our importations from Central America are on the free list, and the percentage in the case of Haiti is even larger. Secondly, it would afford an effective remedy for unjust treatment of the financial investments of the United States in foreign countries. Thirdly, it would give a graduated scale of punishment commensurate with and equivalent to the injury inflicted upon American commerce or capital. No one will deny that the existing legislation is sufficiently drastic; but there is a general feeling that it suggests a situation where capital punishment is provided for all the crimes in the calendar.

There may be a difference of opinion as to the merits of the Curtis bill; but these differences can scarcely be drawn on party lines, for this is in no sense a partisan question, but a broad question of patriotism and national dignity. Democrats and Republicans alike are desirous of seeing the dignity and prestige of the United States upheld in foreign countries, and no one will dispute that the President of the United States should be furnished with adequate authority and practical means of protecting the commercial and financial interests of American citizens in foreign countries.

JOHN BALL OSBORNE.

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THE LIFE AND WORK OF CLARA BARTON

BY IDA HUSTED HARPER

On April 12th there passed away at the age of ninety-one one who is justly entitled to an honored place among America's great women—Clara Barton, founder of the Red Cross in the United States. All her life after she reached maturity was a preparation for this, its crowning achievement, and biographical history has no more eloquent record of self-sacrifice, courage, and devotion to noble causes than that of this brave, tender, and true woman.

Clara Barton was a Christmas gift, in 1821, to her parents, Captain Stephen and Dolly (Stone) Barton, who resided in North Oxford, Massachusetts. She came of "fighting stock," for her father was a valiant soldier under "Mad Anthony" Wayne in 1812, just a century ago, and her maternal grandfather was one of the heroes of Bennington in the Revolutionary War. It is a beautiful antithesis that, while the ancestors helped to carry on war, their descendant gave her life to mitigating its horrors. Girls had few opportunities for education eighty years ago, but she made the best of these, and at sixteen was herself a teacher. She was ambitious, however, and carefully saved her small earnings until she had enough to take a course at Clinton, New Jersey, which had one of the best seminaries of that time for young women. Going from here to Hightstown, New Jersey, she taught for some time with much success in a private school. Later she went to Bordentown, and in the face of much opposition carried out a cherished plan of founding a free public school, which was almost the first in that State. In one year she saw it increase from six to six hundred pupils and secured the building of a new school-house costing four thousand dollars.

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After a few years Miss Barton's health, never very robust, suffered under the strain, and in 1854 she went to Washington to find a milder climate. At this time there was much confusion in the United States Patent Office; clerks had betrayed the secrets of inventors and there was a general lack of confidence. The Commissioner of Patents, who knew Miss Barton personally, persuaded her to take the position of confidential secretary. She was the first woman publicly employed in a government department, and the male clerks were highly indignant. They were rude and insubordinate, insulted and slandered her, and tried in every way to drive her out of the office, but they did not know her firm and dauntless spirit. With remarkable executive ability she brought order out of chaos, and eventually raised the standard of honor and loyalty in the department to a point it had never before attained. The Republican party came into power about this time, and the antislavery question was growing very acute. Miss Barton, a Massachusetts woman, naturally felt a strong interest in this new party, which she did not hesitate to express, and for this she was discharged from her position by President Buchanan, but her services had become so necessary that finally she was recalled.

At last, in 1861, the Civil War began and Miss Barton's sole thought became, "How can I best serve my country?" The first wounded soldiers, forty men of the Sixth Massachusetts Volunteers, injured in the Baltimore attack of April 19th, were brought to Washington, and she hastened to their relief. She saw at once the great need of woman's help in nursing, feeding, and caring for the sick and wounded, and from that moment she consecrated herself to this work as long as the war should last. Women never had been permitted in hospitals, camps, or on battle-fields, and officials, military and civil, declined her services, really not knowing how to accept them. In her own unequaled manner she succeeded in gaining the confidence of the commanding officers, and finally made her way to the front, where the situation was terrible. As soon as it was known she was there supplies sent to her care poured into Washington, first from her own State and then from many others. Her wonderful work under the most distressing conditions in a short time gained for her the name "Angel of the Battle-field." By her quiet self-reliance and her prompt decision she obtained so large and complete a recognition that camp and hospital

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supplies, a corps of assistants, and even military trains were placed at her service. During the four years of the war she was present on sixteen battle-fields, including those of Cedar Mountain, Fort Wagner, Petersburg, the second Bull Run, the Wilderness, and Antietam, for a long time in the hospitals about Richmond, and eight months at the siege of Charleston. She was always calm, cheerful, well poised, and philosophical, but strict, firm, and unflinching in maintaining authority.

The close of the war did not end Miss Barton's labors. During the long years of its excitement and confusion many of the soldiers who died in the battles and the prisons had been placed in unmarked graves. Thousands of agonized letters from distracted relatives flooded the War Department, but as it had no information to give they remained unanswered. This situation aroused in Miss Barton not only a feeling of deepest pity, but a sense of great injustice that men had been called by their Government, patriotically given up by their families, and then no response made to the inquiry as to what it had done with them. Of these 80,000 were on the rolls simply as "missing." Miss Barton carried personally to President Lincoln her request that she might be allowed to receive and reply officially to these letters. He answered by announcing to the country that she would do this and directing that all such correspondence be addressed to her. This resulted in what is known historically as "The Search for the Missing Men."

A bureau was at once established by Miss Barton and lists were carefully compiled from the hospital and prison rolls. Among the most noted of these prisons was that at Andersonville, Georgia, where 13,000 died in one year. The keeping of the daily record of the dead had been assigned by the Confederate authorities to a young Union prisoner, Dorance Atwiler, of Connecticut, who had been wise enough to preserve a copy of these records on scraps of paper which he had managed to secure, and these were of invaluable assistance. As the bodies had been placed in shallow trenches, it was necessary that the work of disinterment and identification should be done before the fall rains began. Secretary Stanton detailed a force of men to accompany her, and on a little steamer loaded with head-markers Miss Barton set out for Andersonville. Here she spent the hot summer of 1865, living in a tent, and, under her supervision,

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13,000 bodies were located and each placed in a grave four feet deep with a marker at the head. And then 400 graves of the Confederate dead were also carefully marked. In describing this work a few years ago at a patriotic gathering Miss Barton said: "When all was finished I pulled the rope which raised the Stars and Stripes above the place for the first time—and I never have seen Andersonville since!"

For four years, in the seasons when the weather permitted, Miss Barton continued this most trying task, and by her skill in following clues she located and marked the graves of over 20,000 Union soldiers, whose last resting-place, but for her brave and devoted service, would have forever remained unknown. For this she did not hesitate to use her own private funds, as there were no others available, and out of these she maintained an office in Washington and a force of twelve men. Finally Congress began to make some inquiries, and one day a delegation came to see her—Senator Wilson of Massachusetts, chairman of the Committee on Military Affairs and afterward Vice-President; Colfax of Indiana, Speaker of the House; Senator Wade of Ohio; Senator Grimes of Iowa; and young Representative Allison, later the well-known Senator. They found Miss Barton surrounded by thousands of letters and records, conducting the work according to her own simple but accurate system. They learned that she had already expended $8,000 of her own money and had not yet reached the end of her great undertaking. As they realized what this quiet, unassuming woman had done and was doing they could not keep back the tears.

When the Thirty-seventh Congress assembled it passed the following resolution:

"*Whereas,* Miss Clara Barton has expended from her own resources large sums of money in endeavoring to discover missing soldiers of the U. S. Army, and in communicating intelligence to their relatives, therefore

"*Resolved,* by the Senate and House of Representatives that the sum of $15,000 be appropriated to reimburse Miss Barton and to aid in the further prosecution of the search; and that the printing necessary for the furtherance of this object shall be done by the public printer."

This, therefore, was not recompense for services, it was reimbursement for money expended by a private citizen for public uses. It was without solicitation on Miss Barton's

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part, who never asked for remuneration and never desired pay for her work for humanity.

Miss Barton's fame had become national, and everywhere the people, whose hearts were filled with grateful appreciation, were so anxious to hear of her experiences that at last she engaged with a lecture bureau, and for three years, during the winter months, she spoke throughout the country. Hundreds of thousands came to listen, to weep, and to applaud. She was among the most highly paid lecturers of that time, including John B. Gough, Wendell Phillips, Mrs. Livermore, Mrs. Stanton, and others. Her profits enabled her to lay aside about $25,000, which she found very useful in her later work.

It is not surprising that by the autumn of 1869 Miss Barton was almost worn out. Her physicians, feeling that she never would cease work if she remained in this country, sent her to Europe for a complete rest. She went to Geneva, Switzerland, and from that visit dates the beginning of the Red Cross in the United States.

Ten years previous the agitation had begun for some means of mitigating the dreadful suffering of sick and wounded soldiers, as terrible a result of war as the actual deaths in battle. A book written by Henri Dunant, of Geneva, describing the awful conditions on the field of Solferino, had stirred the civilized world. Meetings were called, committees formed, conferences held, and finally a great convention was arranged to assemble in Geneva in 1864 to learn the results of the investigations made by humanitarians in many lands, and Switzerland officially invited all governments to send representatives. At this most important convocation, known as the "Convention of Geneva," almost every government was represented except the United States; but this country was then in the midst of one of the most fearful wars in history, which left no thought for occurrences in other parts of the world.

As a consensus of the wisdom and humanity of many nations ten articles of agreement were adopted to be known for all time as "The Treaty of Geneva for the Relief of Sick and Wounded Soldiers." Twelve governments affixed their official signatures to this document August 22, 1864. This treaty, to express it briefly, provides that all wounded or sick soldiers, all surgeons and nurses attending them, all hospitals and their supplies, shall be held neutral by both

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armies and shall not be captured by either; that citizens properly authorized shall be permitted to go on the field of battle, carry provisions and other relief, and work as they would among suffering people elsewhere; that badly wounded men shall not be held as prisoners, but must be sent back to their own army; that inhabitants of the place where a battle is fought may bring help to the wounded without being molested, nor shall their homes be disturbed if such soldiers are being cared for in them; that injured soldiers must not be regarded as enemies, but all must be attended to alike.

As a distinguishing badge would be necessary, it was decided that out of compliment to Switzerland, the principal factor in creating this organization, her flag should be adopted with the colors reversed, and thus the red cross on a white field became the sign of the greatest humanitarian association the world has ever known. All other hospital flags were given up, and now any building over which it flies, any train or ambulance with this sign on its side, any doctor or nurse, any sick or wounded man with a Red Cross on the arm is absolutely sacred and must receive the protection of friends and foes alike. This badge can be issued only by the military authorities. Every army now is closely followed by the Red Cross with everything which long experience has shown will be needed when the emergency comes. Each country has its own central committee, and men and women work together, in some places men, in others women, taking the lead.

This, in brief, is the history of the Red Cross. In a few years practically every nation had its society with one exception; that was the United States! Why did this great, unselfish, charitable country, ahead of all others in humane practices, occupy this strange and anomalous position? The principal reason, as has been stated, was because when the society was organized it was in the throes of a long war and for years afterward was trying to recover from its effects. The proceedings of the Geneva convention were sent over here in a foreign language and in the stress and hurry of the time were not translated and published in the newspapers. In 1866 the Rev. Dr. Henry Bellows, who was at the head of the relief work during the war, endeavored to interest the Government, but failed. The feeling seemed to be that never again would there be a war in this country,

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but, should one occur, it could organize sanitary commissions and other associations as had been done in the last conflict. After frequent efforts the International Committee became discouraged and made no further attempts to enlist the co-operation of the United States.

This was the situation when Clara Barton went to Geneva in September, 1869. She found her fame had preceded her and at once the International Committee of Geneva called on her to ask why her country had not entered the Red Cross. She told them that, like herself, the people were ignorant concerning it. They begged her to make herself acquainted with it, and as she continued her tour of Europe she studied its publications in French. The next summer she returned to Switzerland and was in Berne when war was declared between France and Germany. The International Committee urged her to go into the field and see the practical working of the Red Cross in time of war. Although she had by no means recovered her health, she could not resist this appeal, and she was present during nearly all the battles of this fiercely fought war — at Hagenau, Metz, Strasbourg, Belfort, Woerth, in the Baden hospitals, at Montbelard, and then through the long Siege of Paris and the dreadful days of the Commune. During these two years she saw in all its grandeur the beneficent work of the Red Cross and the Treaty of Geneva, and she pledged herself to the nations of Europe that she would devote the rest of her life, if necessary, to introducing and carrying forward this great institution in the United States.

Miss Barton, however, had to pay the penalty for overtaxing nature and for several years was an almost helpless invalid. She did not fully recover her strength until 1877, and then her first effort was to carry out her pledge. She presented to President Hayes an eloquent letter from President Moynier, of the International Committee, entreating that he would take the necessary steps to unite this country with the others in the sacred bonds of the Red Cross. It proved impossible to secure any action by this administration and she had to content herself with patient, tactful, and untiring measures to interest persons of influence and power. Soon after President Garfield's inauguration, in 1881, she again presented her beloved cause, and he received it and her with much cordiality. He urged its favorable consideration by Sercetary of State James G. Blaine, who opened

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a correspondence with the International Committee and began immediate arrangements to organize the Red Cross in the United States. That very summer occurred the tragic death of the President, but to Miss Barton's great joy his successor, President Arthur, continued these plans. On March 1, 1882, he proclaimed to the world that this country had entered into the Treaty of Geneva. President Moynier at once wrote Miss Barton: "You must feel happy and proud at last to have attained your object, thanks to a perseverance and zeal which surmounted every obstacle." In Geneva bonfires were lighted in celebration of the news that the United States had become a Red Cross nation. This is doubtless the only instance where an international treaty was brought about solely by one person, and that one a woman. Miss Barton was very properly made president, and she held this most responsible office for twenty-two years.

The United States had now the association, but its largest war had been over for many years, and it was hoped and believed that there would not be another for generations, if ever. This is, however, a country of great disasters in many other forms, and the resourceful mind of this woman-general realized that if the society were to justify its existence it should have power to extend its aid in any national calamity. With that diplomacy of which she was past-master she brought those in authority to this belief, and when the treaty was presented to other nations for their ratification it contained this request. They willingly granted it and it became known as the "American Amendment." Many years passed before it was adopted by other countries, but now all of them have it in their treaties.

The wisdom of this provision is apparent, for, in the quarter of a century which has passed, the United States has had only one small war—the Spanish-American—while the Red Cross has rendered invaluable aid in scores of calamities. The list of these is long, and includes the Michigan forest fires, Ohio and Mississippi River floods, cyclones in many States, the Texas famine, the great earthquakes, Florida yellow-fever epidemic, the memorable disaster at Johnstown, the South Carolina Islands hurricane, and the great tidal wave at Galveston. Twice the Red Cross has sent relief to the sufferers from famine in Russia; it went to the help of the Armenians after the massacre; it was first

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to relieve the distress of the Cuban "reconcentrados," and its services throughout the Spanish-American War are still fresh in memory. Our people always respond instantly and generously to all such appeals for help with thousands of dollars in money and thousands in supplies, but these are of small avail unless properly distributed, and this is the mission of the Red Cross. At the first cry of distress its workers are on the field and there they remain till the last needed act of mercy has been accomplished. To all of these scenes of suffering Miss Barton went in person, with her devoted assistants, and remained for weeks and months, burying the dead, apportioning the supplies, feeding the hungry, clothing the naked, nursing the sick, and helping rebuild the ruined homes. It would be impossible to enter into the details of this work. These are fully set forth in the many official reports of Miss Barton and her large and interesting book entitled *The Red Cross in Peace and War*. Nothing in fiction ever was so dramatic and thrilling. Here also is the long and entertaining story of the society's part in the war between Spain and the United States from the time it responded to the first call of the starving reconcentrados, in 1897, until their own flag of liberty floated over Cuba. The Red Cross knows neither race nor color, neither Cubans nor Spaniards. In 1898 the Spanish Government expressed its appreciation of Clara Barton in the "Diploma of Gratitude," a beautifully engrossed testimonial from the Supreme Assembly of the Red Cross of Spain for kindness and help to Spanish soldiers.

In 1883 Miss Barton was appointed superintendent of the Reformatory Prison for Women at Sherborn, Massachusetts, by Governor B. F. Butler, but soon resigned the position. In 1885 she was made Special Commissioner for Foreign Exhibits at the New Orleans Exposition, but with these exceptions her life for thirty years was devoted to the Red Cross. For many years she made her home in Washington, where she provided a headquarters for the society from the time of its organization. Later she went to Glen Echo, a few miles away, attracted by the quiet and peace which left her undisturbed at the times when she could be at home. In a beautiful and picturesque spot overlooking the Potomac she built a unique house after the fashion of the temporary structures used by the Red Cross in its relief work. A wide hall extended the entire length, with a gallery looking down

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upon it from the second story, and into this hall and gallery all the rooms opened. Between the partitions were almost numberless cupboards and closets whose existence never would be suspected, and most of these were filled with books and Red Cross literature. The stone towers, vine-covered and apparently architectural features, were in reality fire-proof vaults for the protection of the important papers. Thus by personal care and at her own expense she preserved the records of the American Red Cross all the years.

This quaint but pleasant and comfortable house was full of interest. Domestic and personal associations clustered about the old furniture, pictures, and china brought from her childhood home, while all around were reminders of a public life that was without a parallel. The walls were covered with the flags of all nations, gifts to Miss Barton—our own banner, the great eagle of Germany, the eagles of Austria, star and crescent of Turkey, the blue-and-white silken folds of Greece, the royal banners of Italy, Belgium, Norway, Sweden, and the flag of Switzerland voted to her by that Government. Everywhere were engrossed and illuminated diplomas and testimonials from the German War Veterans, the Red Cross of Austria, the Sultan of Turkey, the Prince of Armenia, the Cortes of Spain, the Portuguese Red Cross, the Governor and Legislature of Texas—from all parts of the world. In cabinets were many jewels and decorations, including the Iron Cross of Prussia from Emperor William I. and Empress Augusta; Gold Cross of Remembrance and jewels from the Grand Duke and Grand Duchess of Baden; Red Cross from the Queen of Servia; decoration from the Queen of Spain; medals from potentates and societies without number.

Miss Barton was five times appointed to represent this Government at international conferences of the Red Cross in Europe—at Geneva in 1884, Carlsruhe in 1887, Rome in 1890, Vienna in 1897, Russia in 1902. At the last named she was received with marked distinction by the Tsar and Tsarina and the Empress Dowager, and although eighty-one years old she bore her full part in the duties of the conference. Notwithstanding the distinguished honors paid her by the sovereigns of Europe and eminent men and women of all countries, far beyond those ever conferred upon any other American woman, she was wholly without egotism or assurance, and so modest and reserved that she could not

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be persuaded by any means to talk about herself. It was only from her closest friends that one could secure the facts about her life in which an appreciative public had a right to be interested. She was too reticent, for toward the close of her life, when she shared the fate of all who have achieved fame and the effort was made to depose her from her high position, she scorned to enter into controversy. "Let my life and my work speak for themselves," was her only answer to criticism, although she was deeply wounded. When she was convinced that the society which she had founded and sustained for so many years would pass into capable hands she gladly resigned the presidency and laid down the heavy burden.

Although at this time eighty-four years old Miss Barton had no thought of ceasing from work; she purchased at Oxford, Massachusetts, near the home of her birth, a handsome colonial house in which she expected to spend most of her time while still retaining the Glen Echo place. From here in 1905 she sent out to hundreds of friends her Christmas and birthday greeting, a little book of eight pages, containing her picture with a dainty cover of holly design. In this she outlined what she called "My Later Work" and said: "This announcement will not surprise you. You have never known me without work and you never will. It has always been a part of the best religion I had." She referred to the Red Cross now wholly taken over by the Government as "a finished effort" and said: "But this does not finish the need of help for the woes of the world about us. Another work reaches out its hands to me and I have taken them. The humane and the far-sighted are pressing to its standard—the standard of Organized First Aid to the Injured."

Miss Barton's plan, as afterward outlined, was to provide a training for firemen, policemen, employees on railroads, ships, in all kinds of factories, which would enable them to know what appliances and remedies to use on the instant when accidents should occur. This training would be given also to the women of the household so that they too might be prepared for the emergencies which so often arise. This scheme, which, when put into general practice, would be as valuable as the Red Cross itself, was carefully worked out even to the selection of a capable board of management, and this new organization has already taken its place among the great humanitarian agencies of the world.

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Miss Barton was a strong advocate of woman suffrage, and, while she could not spare the time to make it a special part of her work, she always went to the national conventions when it was possible, occupied a seat on the platform, and bore strong testimony to her belief in the justice of this cause. She attended the convention in Baltimore in February, 1906, the last at which Miss Anthony was present, and in the course of her eloquent and touching remarks she said:

"A few days ago some one said in my presence that every woman in the world should stand with bared head before Susan B. Anthony. Before I had time to think, I said, 'And every man as well.' I would not retract the words. I believe her work is more for the welfare of man than for that of woman herself. Man is trying to carry the burdens of the world alone. When he has the efficient help of woman he should be glad, and he will be. Just now it is new and strange, and men cannot comprehend what it would mean. But when such help comes, and men are used to it, they will be grateful for it. The change is not far away. This country is to know woman suffrage, and it will be a glad and proud day when it comes."

Age passed Miss Barton by, leaving but few traces of the many years. Her dark eyes were bright and her cheeks pink, while the brown hair parted smoothly over her forehead had scarcely a thread of white. When she was eighty-four she offered her services and those of the Red Cross to both Russia and Japan and held herself in readiness to start for the Orient at the word of command. Almost to the last she kept a stenographer busy day after day answering the thousands of letters which came to her from all parts of the globe; she found constant employment for her own pen and supervised personally all the details of whatever work she was engaged in carrying forward.

The nation will indorse that resolution passed by the Central Relief Committee of Texas after the Red Cross had ended its work for the sufferers from the storm at Galveston:

"*Resolved,* That we especially thank and render homage to the woman who is the life and spirit of the Red Cross; to her who is the embodiment of the saving principle of laying down one's life for one's friend, whose friend is the friendless and whose charge is the stricken; to her who should be exalted above queens and whose achievements are greater than the conquest of nations or the inventions of genius, and who is justly crowned in the evening of her life with the love and admiration of all humanity—Clara Barton."

IDA HUSTED HARPER.

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NEW BOOKS REVIEWED

MOODS, SONGS, AND DOGGERELS. By JOHN GALSWORTHY. New York: Charles Scribner's Sons, 1912.

WERE this volume to hold but the one striking first poem, "A Dream," it would be worth more than nine out of every ten volumes of verse. John Galsworthy is never negligible. He stands in the very first rank of English thinkers to-day, and comes nearer than any other living author to being cast in the heroic mold of the early Victorians.

This volume contains about thirty poems under the caption, *Moods;* thirteen *Songs,* and about the same number of poems entitled *Doggerels.* The songs do not all sing, to be sure, but the doggerels are far better than their title indicates. Like all other masters of prose, it is impossible for Galsworthy to keep all the time at that point of lyric emotion which means great poetry. Now and then he is simply the cultured gentleman writing verse. But the first poem, not only maintains throughout that high power of moral interpretation which belongs to all great writers, but has flashes of exquisite lyric emotion.

"And all my days of past delight
As to a drowning man came by—
And all the litanies of night—
And prayed and spoke me tenderly.
And all the perfume and the grace,
The stealing beauty of this earth,
Put out its fingers to my face
And softly murmured me its worth."

There is a wonderful stanza about the implicit deep in all increase which demands the backward swing, the ebbing down and fading out of life, which ends:

"The bush
That burgeons dons a funeral gown;
And every tune contains its hush."

In that last line is a whole world-philosophy, and yet it has such perfect lyric simplicity of expression as Wordsworth himself could not always capture.

One more stanza of rapturous loveliness will suffice to give the quality of that poem:

"And there around me dark had flowered
With day; and summer moths as bright
As amethysts uprose, and towered
To gem with color all the night.

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The blossoms smelled like noon, and shone
In crimson patines on the dark.
And—wonder! Caroling alone
In sky of night, I heard a lark!"

The poems "Courage," "Errantry," "Time," "The Soul," and "The Prayer" maintain the high standard set by the first poem, in both concept and expression.

THE TERRIBLE MEEK. By CHARLES RANN KENNEDY. New York: Harper & Brothers, 1912.

What a wave of humanitarian emotion is sweeping through the world! All the younger men are confining utterance to repreaching the Sermon on the Mount. That great bit of literature is really being discovered all over again and with a great rush of enthusiasm! Not only John Galsworthy, John Masefield, Rudolph Besier, and Granville Barker are hymning loud and long the sacredness of human life and the beauties of neighborly love, but Rann Kennedy has produced a new *Servant in the House*. His *Terrible Meek* is a good play for reading, whatever it may be for acting. Through the dark we are supposed to hear three voices speaking—that of a common soldier, that of an army officer, and that of a bereft mother whose son is hanging dead over the heads of the speakers. The soldier's point of view is that he has proven himself a man and a soldier by obeying orders, and has as a side issue gotten something out of it, as, when they bargained for the dead man's raiment, he got his boots. The captain questions his conscience as to his right to obey orders when he carries out a sentence without knowing why he does it, and the mother laments a dead son, as to the end of time mothers will lament sons.

"He wasn't particular, my son: He would go with anybody. He loved them so. There wasn't a drunken bibber in the place, nor a lozel, nor a thief, not a loose woman on the streets, but called him brother. He would eat with them, drink with them, go to their parties. He would go with grand folk too, gentlemen. He wasn't particular."

Any one acquainted with the range of Rann Kennedy's mind ought to know at this juncture what to expect next. As the mother moans the captain comes to a fuller and fuller sense of what his part in the event is. Also he realizes that it is not those who kill, not the greedy, the grasping, the tyrannical, who possess life; it is not the proud, the idle, the wealthy; but the meek, the terrible meek who love that have gained a kingdom never to pass away.

When the darkness lifts after all this talk of twentieth-century Britons we are supposed to see a barren hill and upon it three crosses, while the crouching woman at the foot of the cross is in Eastern garb; the captain is a Roman centurion, and the soldier a Roman Legionary. That this dénouement should be considered irreverent is only one of the illogical absurdities of modern life. To plead for respect of life in the name of Christ is never blasphemous, no matter where it is done. His doctrine is pure enough to be heard in a theater or on the streets. There will always be those whose reverence is such that they cannot hear Christ's name with any comfort until they have adjusted their minds and ward-

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robes to a Sunday habit and taken the accustomed seat in a pew. But these, after all, are the Christians whom Christ himself would never recognize. They are so far distant from Him that they only think of Him under elaborately prepared conditions.

The protest which Rann Kennedy is making in his play is the same that Tolstoy lived and died for, and it is that which all thinking men of to-day are advancing. All of this feeling can hardly pass without having some effect upon the great, whirling organism we call life. It is said that copies of this play are to be sent to all the rulers upon earth. Its effectiveness will not depend upon the impression it makes upon them, but upon its appeal to average man. It is not the so-called rulers who order the earth, but the simple folk, the Meek, the terrible Meek.

American Addresses. By Joseph H. Choate. New York: The Century Company, 1911.

This volume contains a selection from among the numerous addresses which the versatile and brilliant author has, from time to time, delivered in this country on special occasions, such as the unveiling of statues, commemorations of various kinds, the opening of sanitary fairs, club receptions, the meetings of the Harvard Alumni, the New England Society, and the American, New York, and Chicago Bar Associations.

Felicitous they all are—in thought and expression alike. The lighter addresses are invariably illuminated by playful humor, graceful urbanity, charming badinage, and kindly irony. Through them all runs the spirit of the finest literary culture; and they are also notable for a lofty tone born of great elevation of view as well as of an unconscious and unobtrusive sense of integrity, which can never really grow old-fashioned, but which somehow seems to belong to a past age. This quality is particularly observable in the addresses delivered before the members of the profession which Mr. Choate has so signally adorned. He was, however, never more felicitous than in the address which he delivered at the reception to Lord Houghton. His speech on that occasion was a model of graceful compliment without a trace of fulsomeness. Equally happy, too, were the addresses delivered at college commencements, where the humor, wit, geniality, sympathy, and culture of the speaker had the fullest scope for their display.

Plays by August Strindberg. Translated by Edwin Bjorkman. New York: Charles Scribner's Sons, 1912.

Strindberg is the first of living writers in Sweden, and is said to have raised modern Swedish to its utmost potency of beauty and power. Of the charm of his idiom we can of course gain no conception from the translation. Although the translator's work is better done than is usual, style and individuality are not translatable. Strindberg himself has approved this translation as well as the choice of plays contained in the volume.

It takes a little wrench always to move ourselves from our own traditions and environment to a foreign one. The inevitable difficulty is heightened in these plays by the use of a difficult symbolism and the unprecedented depravity of the characters. The biographical notice sheds much light on this matter as well as on the method of writing.

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"The Dream Play," which is the first in the volume, is purely symbolic. The daughter of Indra descends to earth and takes part in the earth life, always with a sense of the unreality and insignificance of such life. The author has imitated the disconnected yet seemingly logical form of the dream. Anything may happen. The characters split, double, multiply, vanish, solidify, as they do in dreams. To follow out the entire scheme of symbolism in the play would be an elaborate study.

The last two plays—"The Link" and "The Dance of Death"—are realistic in treatment and shockingly depressing in tone. All the evil passions possible to humanity seem crowded into these pages and there is a brutality of speech and action which we have found heretofore only in certain Russian writers. The philosophy which is paramount in Strindberg's conception of life is Nietzsche's and the whole tendency is retrograde and demoralizing.

THOMAS LOVE PEACOCK. A Critical Study by A. MARTIN FREEMAN. New York: Mitchell Kennerley, 1912.

The average reader who picks up this volume is bound to be disappointed. Thomas Love Peacock was one of those people who are fortunate in their friends, and one hopes for data of the connection with Shelley and Meredith. The latter is mentioned only twice in the most casual and passing manner, and Shelley, after all, appears only as the original of some of Peacock's caricatures.

Biographical matter about Peacock is evidently scarce, and the critical study of his works, although much needed to make clear to future generations the underlying inspiration of his satires, is certainly not vitally interesting. A few years ago George Newne's house in London republished in one small volume, with thin paper and limp covers, "Headlong Hall," "Nightmare Abbey," "Maid Marian," "The Misfortunes of Elphin," "Crochet Castle," "Melincourt," and "Gryll Grange." The work, so long practically inaccessible, thus came into the hands of all students of literature. Its value is not so much absolute as a link in the history of literature. It marks the epoch when the long, dreary poems of the pseudo-classic period merge, after the acquaintance with Shelley, into the satirical romances that so ably reconstruct the life of the earlier part of last century.

A good insight is given into the timid and chary methods of the reviewers of the monthlies and quarterlies of that period. The monthly in which Peacock's *Fiolfar* was reviewed contains a notice of the *Lay of the Last Minstrel,* in which the learned critic remarks that Mr. Scott's own compositions are superior to poems of this sort which he has "collected and edited with such minuteness of version and luxury of typography." Not only does the critic deny Sir Walter the credit of his *Lay,* but he attributes to him the authorship of the hymn "Dies Irae."

This volume takes Peacock through his pseudo-classic period; gives two chapters to Shelley in England and Italy (chapters that have really very little to do with Shelley), and then gives a résumé of the novels and the portraitures contained in them. The book belongs on the shelf of the curious student of literature, and is indeed not interesting or vital reading for any one else.

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MOSES COIT TYLER. Selections from His Letters and Diaries. Made and Edited by JESSICA TYLER AUSTIN. New York: Doubleday, Page & Company, 1911.

The most celebrated diaries known to literature belong to at least one of three kinds—the diary of morbid and vehement emotion, like Marie Bashkirtseff's, which fairly palpitates with self-consciousness; the diary of serene and philosophical meditation, like Emerson's, that records the writer's most private reflections on the sublimated subjects that interest him, without showing that he is under the influence of an abnormal degree of self-absorption; and, finally, the objective diary, like John Evelyn's, which notes, not what the writer himself has been thinking, but what he has seen and heard.

The flavor of Dr. Tyler's diary smacks distinctly in turn of each of the three. It goes very deeply and subtly into the study and analysis of his own particular outlook on life; touches upon countless aspects of thought, in the highest reaches of the human mind, that have no special relation to himself; and, finally, describes, with singular vividness, incidents of the writer's travels, details the more interesting events of his daily life, and shows the characteristics of the prominent persons with whom he is associated from time to time.

DIARY OF GIDEON WELLES, Secretary of the Navy under Lincoln and Johnson. With an Introduction by JOHN T. MORSE, Jr. Volumes I., II., III. Boston: Houghton Mifflin Company, 1911.

These three handsome volumes, which, though bulky, contain hardly a superfluous word, so clear, so vigorous, and precise is Mr. Welles's style, form the most valuable contribution of personal impressions which has been made to our knowledge of the intimate side of American political history since the publication of the diary of John Quincy Adams. It is really more important than that profuse but egotistic and somewhat exacerbated record, because the times of the Civil War and Reconstruction, the two periods which Mr. Welles so minutely describes from personal observation, were of far more burning interest than the times in which our sixth President played so conspicuous and honorable a part, although his career, it is true, was coincident with the second contest with Great Britain and with the acrimonious controversy over slavery.

But the interest of Mr. Welles's diary is not attributable simply to the stupendous nature of the prolonged double crisis of the Civil War and Reconstruction, to which it is confined. The salt with which it is so highly flavored is chiefly due to the very pronounced individuality of the writer, to the shrewdness, penetration, and candor of his intelligence, and to the fund of information and experience which he possessed. He had been a participant in public life for many years before he entered the cabinet. Thoroughly versed in the history of his country, he was an ardent lover of the Constitution, and a profound student of the influences which had led up to its adoption, and of the principles which it embodied. A consistent and firm supporter of the rights of the States, he was, at the same time, an uncompromising advocate of the inviolable supremacy of the central government.

Sprung from the oldest stock of New England, he had grown up

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under influences which still reflected the austere but noble qualities of the primitive Puritans, a fact that was revealed in his inflexible loyalty to his ideals, in his immovable fidelity to his principles, in the rigidity, almost harshness, with which he sat in judgment on the men who were his associates in public life. He was, indeed, the incarnation of sturdiness. This quality was illustrated, not only in his attitude toward men, but also in his attitude toward events. Not even in 1863, the darkest year of the Civil War, did he for one moment lose confidence in the final triumph of the Federal arms. "My faith in ultimate success is unshaken," is his simple comment when Pope's defeat threw Washington into a state of consternation that closely resembled despair. And he retained his perfect balance (not without a touch of scorn, which he was too brusque to hide) when Stanton and even Mr. Lincoln were so disturbed in their expectation of the early arrival of the ironclad *Merrimac* in the Potomac River opposite the Capitol.

In the midst of the conflicting currents of these tumultuous times, when it was so difficult to arrive at dispassionate conclusions, his opinions of both men and policies were invariably sound. It was due to his discriminating insight into character that Farragut, the bravest but most modest of naval heroes—the American Nelson, who fairly thirsted for battle—was chosen for high command, and thus afforded an opportunity to achieve so much for the cause of the Union. It was due to Mr. Welles that the *Monitor,* which proved to be such an obstructive antagonist of the *Merrimac,* was accepted by the government. It was due to his wisely directing hand that, while the Federal armies were meeting with so many defeats in the East, and not winning decisive victories in the West, the Federal ironclads had closed all the Confederate ports and were splitting the disaffected South in two by opening up the great highway of the Mississippi.

But Mr. Welles's practical sagacity was not revealed only in his management of the affairs of his department. The clearness and justness of his views were never more convincingly illustrated than in the warnings which he so persistently urged against the Congressional policy of Reconstruction and against universal negro suffrage. He was vehemently opposed to both measures. He condemned the Acts of Reconstruction as repugnant alike to the Constitution and to the suggestions of true statesmanship, and referred to them as a "fraud perpetrated by a majority of a fragmentary Congress." The radical policy, he said, was "to prescribe the intelligent, the wealthy, the moral portion of the South, and to place over them the ignorant, the degraded, and the vicious." He pronounced the exclusion of that section of the country from Congressional representation in the winter of 1865-66 to be as great a crime as secession itself. Indeed, he declared that it exhibited still less wisdom and regard for the Constitution, while it was marked by an equal degree of recklessness of consequences. "The radicals," he bursts out in his indignation, "are managed and controlled by leaders who have no more respect for the Constitution than for an old almanac."

Mr. Welles foresaw, with prophetic prescience, the misfortunes which would be the lot of the Southern people even should they be allowed by the North to reorganize their shattered industrial and social system without interference. "By forbearance and forgiveness," he said, as

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early as 1863, "by wise and judicious management, those States may be restored to their places, and the people to their duty, but let us not begin by harsh assumption, for even with gentle treatment the work of restoring will be slow." "There are two lines of acting," he remarked, with great earnestness, to Sumner before Mr. Lincoln's death; "one is harsh, cold, distant, defiant—the other kind, conciliatory, and inviting. Which will sooner make us a united people?" "We have a country to care for," he declared at a later period in a lofty strain of remonstrance, "and should, I think, exert ourselves to promote reconciliation and reestablish the Union in all its integrity at the earliest attainable moment." He predicted that the grant of the right to vote would only precipitate calamity upon the negroes unless they were first prepared to use it properly. "No one," he said, "can claim that the blacks can exercise the franchise intelligently. Is it politic, wise, or right, when trying to restore peace and reconcile differences, to make so radical a change?"

But it is not simply the new light which this diary throws on the course of memorable events which makes it so important, nor is it wholly the writer's extraordinary foresight in predicting the harvest of senseless political measures. Its pages offer the most unique portrait gallery to be found in the whole range of the historical literature of the United States. In this respect it rivals in value Clarendon's History, and for the same general reason—both writers were persons of uncommon penetration and discrimination, and both were delineating the characters of men whom they had known and studied at close quarters in a period of vast upheaval.

HAIL AND FAREWELL. By GEORGE MOORE. New York: D. Appleton & Company, 1911.

This volume of desultory and casual conversation by George Moore is offered us as the first volume of a trilogy. Trilogies now being exceedingly popular, George Moore proposes to talk to us in three volumes of himself apropos of life in general. The present volume is the mere greeting, entitled *Ave*. *Salve* and *Vale* are to follow. Lest we should be moved to take the present volume lightly, the publisher supplies a prefatory note to warn us that "a philosophy is indicated between the lines if the interviewer cares to read between the lines. This philosophy will transpire in the volume entitled *Salve*." One wonders whether "philosophy" is not rather a large word to express George Moore's temperament—a temperament revealed by the fact that he adores Rubens and revels in the miles and miles of pink and fleshy females of that great painter. George Moore speaks of Symons as a man of "somewhat yellowish temperament." Moore himself would seem to be of a bright brick-red temperament with streaks of yellow and orange. The sense of sex is far too rampant for the taste and consciousness of most of us. Even his highest imaginative flights of poetry concerning women have an unpleasant tinge to them.

"For the sake of expressing myself, though I knew Edward would never understand, I told him that the coming of a woman into the room was like a delicious change of light. Without women, we should all be reasonable, Edward; there would be no instinct, and in a reasonable world what would that be like?—a garden without flowers, music without melody....

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Without women the world would be like a palette set in raw umber and white. Women are the coloring matter, the glaze the old painters used. Edward wanted information as to the method employed by the old painters, but I preferred to develop my theme."

Our own sympathies are entirely with Edward, who is described in other places as being "interested in the soul" and given to "praying heavily" at times when his friend and traveling companion preferred conversation. A devout Catholic traveling with George Moore would doubtless be in constant need of prayer and fasting.

The most amusing parts of the book are the literary portraits; and Yeats, in his long, black cloak, looking exactly like a rook, and cawing when the others laughed, is a delightful cartoon. Indeed, the author furnishes us with a series of portraits of Yeats. "Yeats lank as a rook, a dream in black silhouetted on the flowered wall-paper," is one of the series; and a second: "When I saw him he was on exhibition, striding to and forth at the back of the dress-circle, a long, black cloak drooping from his shoulders, a soft, black sombrero on his head, a voluminous black silk tie flowing from his collar, loose black trousers dragging untidily over his long, heavy feet—a man of such excessive appearance that I could not do otherwise—could I?—than to mistake him for an Irish parody of the poetry that I had seen all my life strutting its rhythmic way in the alleys of the Luxembourg Gardens." And a third: "Yeats would not speak, but sat all profile, like a drawing on an Egyptian monument, thinking his speech."

When Yeats did speak, this is what George Moore made out of it. "He spoke of Cherubim and Seraphim, and the hierarchies and the clouds of angels that the church had set against the ancient culture, and then he told us that the gods had been brought vainly from Rome and Greece and Judea. In the imaginations of the people, only the heroes had survived, and from the places where they had walked their shadows fell often across the doorways; and then there was something wonderfully beautiful about the blue, ragged mountains and the mystery that lay behind them, ragged mountains flowing southward." Although we refuse to be very serious despite the publisher's warning over Mr. Moore's philosophy, we greatly enjoy his humor and his cynicism. His temperament may well be gauged from the fact that he gives pages of fervent delight to the Rubens "Descent from the Cross" in Antwerp and passes over Van Eyck's "Adoration of the Lamb" in Ghent with two lines.

"Where your treasure is, there will your heart be also." It is not difficult to find out wherein is Mr. Moore's treasure. His is a gross mind, but a clever one. There is no pose and no artificiality in his book of reminiscence, and for its frank, tolerant, amused outlook upon life we cannot but be grateful.

"Opinions," he says, "make us cruel." So often do principles and taste and whatever differentiates us from our kind. Mr. Moore is not cruel, nor yet kind. He is just amused, and all his friends are good material for caricature.

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